

- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1), (2) and (4).

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Banquet Facility or Event Facility. Any banquet facility or event facility use in the AR districts shall comply with the following standards:

- (A) **Intensity/Character Standards.** Hours of operation shall be limited to 9:00 a.m. to ~~12:00~~ 2:00 a.m.
- (B) **Activities included in Use.** Special events (e.g. weddings, receptions, and parties) or similar activities conducted for compensation shall be permitted as follows:

<u>Table 5-642(B)</u>		
<u>Use</u>	<u>Lot Area (Minimum)</u>	<u>Permitted attendance</u>
Level I	25 to 50 acres	150
Level II	Over 50 acres	350
Level III		More than 350 requires a major special exception

- (C) **Size of Use.** The minimum lot area for a banquet facility shall be 25 acres.
- (D) **Additional Use.** Subject to all other applicable provisions of this Ordinance and the Loudoun County Code, including, but not limited to standards governing health, sanitation, and noise control, a banquet/event facility may be an additional use for the following uses as long as all performance standards contained in this Ordinance are also met: Bed and Breakfast Inn, Country Inn, Rural Retreat, Rural Resort, Rural Corporate Retreat, Country Club, Virginia Farm Wineries, and Training and Conference Centers
- ~~(E)~~ (E) **Location on Site/Dimensional Standards.** The banquet facility use shall be set back 200 feet from lot lines.
- ~~(F)~~ (F) **Landscaping/Buffering/Screening.**
- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

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- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

~~(E)~~(G) **Roads/Access Standards.**

- (1) **General Access Standards.** A banquet facility is permitted vehicular access equal to the average number of vehicle trips per day (VTD) that would be generated if the property were developed to its maximum residential density. During permitted events the Resort or Retreat is permitted vehicle access equal to the number of trips generated by the allowed number of visitors. (see section 5-601(C)(5)(a)). ~~shall comply with the road access standards of Section 5-654.~~
- (2) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

~~(F)~~(H) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

~~(G)~~(I) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3).

~~(H)~~(J) **Noise.** A banquet facility shall comply with the noise standards of Section 5-652(B) (Noise Standards).

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Restaurant. Any restaurant use in the AR districts shall comply with the following standards.

- (A) **Intensity/Character Standards.** Hours of operation shall be limited from 6:00 a.m. to 12:00 midnight.
- (B) **Size of Use.**
 - (1) **Site Size.** The minimum lot area shall be 20 acres except that there shall be no minimum lot size for adaptive reuse of farm structures existing as of January 7, 2003.

- (2) **Floor Area Ratio.** The floor area ratio shall not exceed 0.01 except that there shall be no maximum floor area ratio for adaptive reuse of farm structures existing as of January 7, 2003.
- (3) **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:
 - (a) Structures of up to 1,500 square feet of gross floor area: 100 feet minimum from all lot lines.
 - (b) Structures greater than 1,500 and up to 4,000 square feet of gross floor area: 150 feet minimum from all lot lines.
 - (c) Structures over 4,000 square feet of gross floor area: 175 feet minimum from all lot lines.
- (C) **Parking.** Parking and loading shall be provided as required by Section 5-1102.
- (D) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).
- (E) **Roads/Access Standards.**
 - (1) **General.** A restaurant shall comply with the road access standards of Section 5-654.
 - (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
 - (3) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

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- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

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Educational or Research Facilities Use Related to the Agriculture, Horticulture and Animal Husbandry Uses in the District. Any educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the AR and TR districts shall comply with the following standards.

(A) **Size of Use Standards.**

- (1) **Site Size.** The minimum lot area shall be 25 acres.
- (2) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted, as follows.

Scope of Use/Event	Lot Area (Minimum)
No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time. Additional visitors allowed by right at rate of 5 per acre in excess of 25 acres.	25 acres

- (3) **Structure.** The floor area ratio shall not exceed 0.044.
- (4) **Storage Yards.** The maximum total area of storage yards shall not exceed 10 percent of the total area of the principal structure.
- (B) **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:
- (1) Structures up to 7,000 square feet of gross floor area: 100 feet minimum from all lot lines.
- (2) Structures greater than 7,000 square feet of gross floor area and up to 12,000: 150 feet minimum from all lot lines.
- (3) Structures greater than 12,000 square feet of gross floor area: 200 feet minimum from all lot lines.
- (C) **Parking.** Parking and loading shall be provided as required by Section 5-1102.
- (D) **Landscaping/Buffering/Screening.**

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- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (3) **Storage Yards.** Storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).
- (E) **Roads/Access.**
- (1) **General.** The use shall comply with the road access standards of Section 5-654.
 - (2) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
 - (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-645

Camp, Day and Boarding. Day and boarding camps in the AR, TR, JLMA and PD-CV districts shall comply with the following standards.

- (A) **Intensity/Character.**
- (1) **Site Size.**
 - (a) The minimum lot area for a day and boarding camp for less than 15 campers shall be 20 acres.
 - (b) The minimum lot area for a day and boarding camp for more than 15 campers shall comply with the following standards.

Use	Scope of Use/Campers	Lot Area (Minimum)
Level I— small scale	Up to 30 campers daily	40 15 acres
Level II— medium scale	> 30 and Up to 100 60 campers or boarders daily	80 40 acres
Level III— large scale	> 60 and u Up to 250 400 campers or boarders daily	100 160 acres
Level IV	> 250 400 campers or boarders daily.	Over 160 acres. Special exception pursuant to Section 6-1300

- (2) **Not Permanent Residence.** Day and boarding camps shall not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.
- (3) **Service Buildings.** Service buildings with restroom and other facilities shall be provided in accordance with the Loudoun County Health Department requirements.

(B) **Size of Use.**

(1) **Structure Size**

- (a) The size of structures (excluding tent platforms) used at a day and boarding camp for less than 15 campers shall not exceed 6,000 square feet in gross floor area.
- (b) The minimum size of structures (excluding tent platforms) at day and boarding camp for more than 15 boarders shall comply with the following standards:

Use	Scope of Use/Campers	Total Size of Structures (Maximum)
Level I— small scale	Up to 30 campers daily	8,000 square feet
Level II— medium scale	> 30 and up to 60 campers daily	16,000 square feet
Level III— large scale	> 60 and up to 100 campers daily	32,000 square feet
Level IV	> 100 campers daily	Special exception pursuant to Section 6-1300

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- (2) **Location on Site/Dimensional Standards.**
Structures shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max)	Setback from Lot Lines
Camp with less than 15 campers	20 acres	6,000 square feet	100 ft.
Level I—small scale	40 acres	8,000 square feet	150 ft.
Level II—medium scale	80 acres	16,000 square feet	200 ft.
Level III—large scale	160 acres	32,000 square feet	250 ft.

(C) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(D) **Roads/Access.**

- (1) **General Access Standards.** The use shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Number of Access Points.**
- (a) **Camp with Less Than 15 Campers/Level I Camp.** There shall be no more than one point of access to a public road from a camp with less than 15 campers or a Level I day and boarding camp. This requirement shall not preclude an additional access for emergency vehicles only.
- (b) **Level II or III Day and Boarding Camp.** There shall be no more than two points of access to a road from a Level II or III day and boarding camp. This requirement shall not preclude an additional access for emergency vehicles only.

(E) **Parking.**

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- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking and loading areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

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Campgrounds. Campgrounds in the AR, TR, and JLMA districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.**

- (a) The minimum lot area for a campground shall be 40 acres.
- (b) The minimum lot area for a campground shall increase based on the following standards.

Use	Scope of Use/Campsites	Lot Area (Minimum)
Level I—small scale	Up to 50 campsites	40 acres
Level II—medium scale	>50 up to 100 campsites	80 acres
Level III—large scale	>100 up to 150 campsites	160 acres
Level IV	> 150 campsites	Special exception pursuant to Section 6-1300

- (2) **Not Permanent Residence.** Campgrounds shall not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.
- (3) **Camping Sites.** Camping sites shall be a minimum of 1,250 square feet and at least 25 feet in width.
- (4) **Recreational Area.** Each campground shall provide a recreational area consisting of 100 square feet per campsite.

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- (5) **Public Telephone.** At least one (1) public telephone shall be provided for each 50 campsites.
- (6) **Streets and Walks Lighted.** Streets and walks shall be lighted every 400 feet.
- (7) **Service Buildings.** Service buildings with restroom and other facilities shall be provided in accordance with the Loudoun County Health Department requirements.
- (8) **Groundcover.** All areas within a campground shall have sufficient groundcover to prevent erosion and blowing dust.

(B) **Size of Use.**

- (1) **Structure Size.** The size of structures (excluding tent platforms) used at a campground shall not exceed the following standards:

Use	Scope of Use/Campers	Total Size of Structures (Maximum)
Level I—small scale	Up to 50 campsites	8,000 square feet
Level II—medium scale	>50 up to 100 campsites	16,000 square feet
Level III—large scale	>100 up to 150 campsites	32,000 square feet
Level IV	>150 campsites	Special exception pursuant to Section 6-1300

- (C) **Location on Site/Dimensional Standards.** A campground shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max)	Setback from Lot Lines
Level I—small scale	40 acres	8,000 square feet	150 ft.
Level II—medium scale	80 acres	16,000 square feet	200 ft.
Level III—large scale	160 acres	32,000 square feet	250 ft.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Roads/Access.**

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- (1) **General Access Standards.** The use shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Number of Access Points.**
 - (a) There shall be no more than one point of access to a public road from a Level I campground. This requirement shall not preclude an additional access for emergency vehicles only.
 - (b) There shall be no more than two points of access to a public road from a Level II, III or IV campground. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

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Cross-Country Ski Business and Eco-Tourism. Any cross-country ski business and eco-tourism use in the AR, JLMA-20 and TR-10 districts shall comply with the following standards:

- (A) **Intensity/Character of Use.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.
- (B) **Size of Use.**
 - (1) **Size of Use.** The minimum lot area of an eco-tourism use shall be 5 acres.

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- (2) **Structure Size.** The size of structures used shall not exceed 5,000 square feet in gross floor area.
- (3) **Storage Areas.** The total area of storage areas shall not exceed 1000 square feet.

(C) **Roads/Access.**

- (1) **General Access Standards.** The eco-tourism use shall comply with the road access standards in Section 5-654.
- (2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(D) **Exterior Lighting.** The only exterior lighting allowed for an eco-tourism use shall be for security purposes only.

(E) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-648 Golf Course. Any golf course in the AR, ~~RR~~ TR, JLMA and PD-CV districts shall comply with the following standards.

(A) **Intensity/Character.**

- (1) **Site Size.** The minimum lot area for a golf course shall be:
 - (a) 75 acres for 9 holes.
 - (b) 150 acres for 18 holes.
- (2) **Hours of Operation.** The hours of operation for a golf course shall be limited to 6:00 a.m. to 9:00 p.m.
- (3) **Accessory Uses.** Accessory uses to a golf course may include a club house which includes a pro shop and small restaurant or café, subject to the following standards:

- (a) The golf pro shop shall be limited to sales of golf-related items.
- (b) Accessory uses shall constitute no more than 25 percent of the total size of the golf clubhouse.

(B) **Size of Use.**

- (1) **Structure Size.** The size of structures used at a golf course shall not exceed 25,000 square feet in gross floor area (total all structures).
- (2) **Storage Yards.** The total area of storage yards shall not exceed 5,000 square feet.

(C) **Location on Site/Dimensional Standards.** A golf course shall be set back 200 feet from lot lines.

(D) **Parking.**

- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(E) **Landscaping/Screening.**

- (1) **Buffer.** A minimum of the first 50 feet of setback area shall be buffered, screened and landscaped consistent with the standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(F) **Roads/Access.**

- (1) **General Access Standards.** A golf course shall comply with the road access standards in Section 5-654.
- (2) **Number of Access Points.** There shall be no more than two points of access to a public road from a golf course. This requirement shall not preclude an additional access for emergency vehicles only.

- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

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Outdoor Amphitheater. Any outdoor amphitheater in the AR districts shall comply with the following standards.

(A) **Intensity/Character.**

- (1) **Site Size.** The minimum lot area for an outdoor amphitheater shall be 50 acres.
- (2) **Accessory Uses.** Accessory uses to an outdoor amphitheater may include concession facilities for the sales of drinks and food during events, and offices used solely for the purpose of operating and managing the outdoor amphitheater. The concession facilities shall constitute no more than 5,000 square feet, and be integrated into the general structure and design of the outdoor amphitheater.

- (B) **Size of Use.** The seating capacity of the outdoor amphitheater shall not exceed 2,000 persons.

- (C) **Location on Site/Dimensional Standards.** An outdoor amphitheater shall be set back from lot lines a minimum of 1000 feet.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Roads/Access.**

- (1) **General.** The use shall comply with the road access standards of Section 5-654.
- (2) **Number of Access Points.** There shall be no more than two points of access to an outdoor amphitheater. This requirement shall not preclude an additional access for emergency vehicles only.

- (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards), except that fully shielded lighting fixtures are not required around the outdoor amphitheater itself.

- (H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

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Antique Shop; Art Gallery or Studio; Craft Shop. Any antique shop, art gallery or studio, or craft shop in the AR, ~~RR~~ TR-10 and PD-CV districts shall comply with the following standards.

- (A) **Intensity/Character Standards.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

(B) **Size of Use.**

- (1) **Site Size.** The minimum lot area shall be 1 acre.

(2) **Structures.**

- (a) The total size of all structures used for art galleries or studios and craft shops shall not exceed 3,000 square feet in gross floor area.
 - (b) The total size of all structures used for antique shops shall not exceed 10,000 square feet in gross floor area.
- (3) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for an Antique Shop; Art Gallery or Studio; or Craft shop and shall be exempt from the minimum lot

area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

- (C) **Location on Site/Dimensional Standards.** The antique shop, art gallery or studio, or craft shop shall be set back a minimum of 100 feet from all lot lines.
- (D) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (E) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (F) **Roads/Access Standards.**
 - (1) **General Access Standards.** The use shall comply with the road access standards in Section 5-654.
 - (2) **Number of Access Points.** The use shall have no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (H) **Noise.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

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Auction House. Any auction house in the AR districts shall comply with the following standards.

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(A) **Intensity/Character Standards.**

- (1) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
- (2) **Sanitary Facilities.** Bathroom facilities shall be provided on site, consistent with the requirements of the Uniform Statewide Building Code.

(B) **Size of Use.**

- (1) **Site Size.** The minimum lot area shall be 10 acres.
- (2) **Structure.** There shall be only one structure allowed on the lot which shall not exceed 10,000 square feet in size.
- (3) **Outdoor Storage.** The maximum area of outdoor storage shall not exceed 2,000 square feet.
- (4) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for an Auction House and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(C) **Location on Site/Dimensional Standards.** The auction house shall be set back a minimum of 100 feet from all lot lines.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Outdoor Storage.** All outdoor storage shall be screened and landscaped consistent with the standards of Section 5-653(C).

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(E) **Roads/Access Standards.**

- (1) **General Access Standards.** An auction house shall comply with the road access standards in Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

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Exterior Lighting and Noise Standards for Specific Uses. The following exterior lighting and noise standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

(A) **Exterior Lighting Standards.**

- (1) **Pole-Mounted Exterior Lighting.** The maximum height of pole-mounted exterior lighting shall be 25 feet.
- (2) **Shielded Lighting/Light Element.** Fully shielded lighting fixtures shall be used in all areas. The light element (lamp or globe) of a fixture shall not extend below the cutoff shield.

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(3) **Hours of Operation.** All exterior lighting shall be extinguished from 10:00 p.m. to 6:00 a.m., except for exterior lighting that is determined necessary for security purposes.

(4) **No Illuminated Signage.** Signage related to the use shall not be illuminated.

(B) **Noise Standards.**

(1) **Location in Relation to Residential Use.** No loading/unloading activities or other noise-producing activities shall be allowed within 250 feet of an existing single family residential use.

(2) **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line of any adjacent residential lot where the lot is designed for a single family dwelling unit as a principal use, adjacent residential structures shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

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Landscaping and Screening Standards for Specific Uses. The following exterior lighting and noise landscaping, buffering, and screening standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

(A) **Landscaping/Buffering/Screening in Setbacks or Yards Adjacent to Certain Sized Lots.** A minimum of the first 50 feet of setback or yard area adjacent to any existing lot four (4) three acres or less in size that contains a house within 300 feet of the adjacent property line shall be landscaped and screened with solid fencing and/or landscaped area that provides 3 canopy tree(s) per 100 lineal feet of the adjacent property line. The Zoning Administrator may waive, reduce and/or modify these tree planting requirements if in his/her opinion the topography or existing vegetation adequately screens such parking areas from adjacent properties. year-round screening and is equivalent to a Type Three (3) Buffer Yard (Section 5-1400). The use of natural topography, vegetation, and trees that provide screening at the density, depth and height of the Type Three (3) Buffer Yard shall be credited towards

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this Type Three (3) Buffer Yard requirement in accordance with Section 5-1409(E).

(1) In the A-3, A-10, AR-1, AR-2, RR-1 and RR-2 zoning districts, the Zoning Administrator may permit the required buffer to circumnavigate the proposed use, rather than to be located on the property line.

(B) **Screening of Parking Areas.** Parking areas shall be provided with 1 canopy tree per each 10 parking or 2 loading spaces. ~~Yards, berms, vegetative screening, fences or walls shall be provided to buffer adjacent properties and public streets from~~ for off-street parking areas and service areas for loading and unloading. The Zoning Administrator may waive, reduce and/or modify these tree planting requirements if in his/her opinion the topography or existing vegetation adequately screens such parking areas from adjacent properties.

(C) **Screening of Outdoor Storage and Storage Yards.** Outdoor storage and storage yards shall be screened to minimize visibility from view from adjacent public roads and adjacent single family detached uses by six (6) canopy trees per one hundred (100) lineal feet of perimeter of storage area.

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Road Access Standards for Specific Uses. The following road access standards shall apply to specific uses in this section when they are expressly referenced in the standards for specific use.

TABLE 5-653-5-654-5-654: ROAD ACCESS STANDARDS			
Average Generated Daily Vehicle Trips (VTD)	Onsite Private Access Road Construction Standards	Public Road Access	
		Public Paved Road Standards ⁽¹⁾	Public Unpaved Road Standards ⁽¹⁾
1 - 20 VTD	FSM Chapter 4, Table 3, Type C1 Roadway	16-18 Foot Pavement Section Permitted	16-18 Foot Minimum Travelway Permitted
21 - 70 VTD	FSM Chapter 4, Table 3, Type C2 Roadway	16-18 Foot Pavement Section Permitted	16-18 Foot Minimum Travelway Permitted
71 - 250 VTD	FSM Chapter 4, Table 3, A1Type C3 Roadway	18-20 Foot Pavement Section Permitted	18 Foot Minimum Travelway Permitted
251 - 600 VTD	FSM Chapter 4, Table 1, A2Type A1 Roadway	18-22 Foot Pavement Section Permitted	Not Permitted Special Exception Review required (Section 6-1300)
More than 600 VTD	Special Exception Review required (Section 6-1300) FSM Chapter 4, Table 1, Type A1 Roadway	Special Exception Review required (Section 6-1300)	Not Permitted Special Exception Review required (Section 6-1300)

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TABLE 5-653-5-654-5-654: ROAD ACCESS STANDARDS			
Average Generated Daily Vehicle Trips (VTD)	Onsite Private Access Road Construction Standards	Public Road Access	
		Public Paved Road Standards ⁽¹⁾	Public Unpaved Road Standards ⁽¹⁾
⁽¹⁾ Characteristics of the first public road accessed by project's private access road.			

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Elementary or Middle School for 15 pupils or less

- (A) **Size of Use:** The minimum lot area for an elementary or middle school for 15 pupils or less is 5 acres.
- (1) Road/Access Standards shall comply with the road access standards of Section 5-654.
 - (2) Exterior Lighting Standards. All exterior lighting shall comply with the standards of Section 5-652(A) Exterior Lighting Standards).
 - (3) Outdoor play space shall be provided in accordance with the standards established in Section 5-609 Child Care.

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Convent or Monastery. In the AR, TR, and JLMA-3 districts, a convent or monastery shall comply with the following additional requirements:

- (A) Intensity/Character
- (1) The minimum lot area shall be as follows, unless the convent or monastery is developed as an adaptive re-use pursuant to Section 5-656(A)(2):

Use	Size of Lot (Minimum)	No. of Residents
Level I – small scale	5 acres	4-10 residents
Level II – medium scale	10 acres	11-20 residents
Level III – large scale	20 acres	21-30 residents
Level IV- requires special exception approval pursuant to Section 6-1300	30 acres	31-40 residents

- (2) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for a Convent/Monastery and shall be exempt from

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the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(B) **Building/Lot requirements**

- (1) **Size of use.** The floor area ratio shall not exceed 0.044.
- (2) **Minimum Required Yard Standards.** The minimum required yards shall be as follows:
 - (a) Level I – small scale: 50 feet minimum from all lot lines;
 - (b) Level II – medium scale: 100 feet minimum from all lot lines
 - (c) Level III- large scale: 150 feet minimum from all lot lines
- (3) **Landscaping/Buffering/Screening.**
 - (a) The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (b) Parking areas shall be screened to comply with the standards of Section 5-653(B).
 - (c) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (4) **Roads/Access.** The convent or monastery shall comply with the road access standards in Section 5-654.
- (5) **Parking.**
 - (a) **General.** Parking and loading shall be provided as required by Section 5-1102.

- (b) **Surface.** All parking areas serving the use shall use a dust-free surfacing material, as provided in the Facilities Standards Manual.
- (6) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A) Exterior Lighting Standards.

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Stockpiling of Dirt. Any stockpiling of dirt in the AR and TR districts shall comply with the following standards:

(A) **Intensity/Character Standards.**

(1) **Size of Use:**

- (a) Minimum Lot Size: Five (5) Acres
- (b) **Pile Area:** A single stockpile of dirt pile shall not exceed an area greater than two (2) acres.
- (c) **Height:** A single stockpile of dirt shall not exceed 25 feet above original natural grade. For each additional five (5) acres in lot area, the height may increase one (1) foot and in no case shall the height exceed 50 feet above original natural grade. Additionally, no stockpile shall be visible above the existing tree line as viewed from any property line.
- (d) **Slope:** Slope shall not exceed a 3:1 ratio.

(2) **Siting:**

- (a) No stockpile of dirt is permitted in the Mountainside Overlay District, ~~the Limestone Conglomerate Overlay District or the River/Stream Corridor Overlay District.~~
- (b) To the maximum extent feasible stockpiles of dirt shall not be located in wetlands, hydric soils, or areas identified as containing endangered species or plants ~~that are outside of primary conservation areas.~~
- (c) Stockpiles of dirt shall only be permitted on forested sites when there is an approved forest management plan.

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(3) **Location on Site/Dimensional Standards:**

(a) **Setback from Single-Family Dwellings:**

No stockpile of dirt, loading/unloading activities, general stockpile of dirt operations, or related activities shall be allowed within 500 feet of an existing residential structure.

(b) **Other setbacks:** No stockpile of dirt shall be located within 100 feet of any lot line and/or street to include ingress-egress easements.

(4) **Hours of Operation:** The hours of operation shall be limited to 7:00 AM to 6:00 PM.

(B) **Access/Vehicular Circulation:**

(1) **Access:** Access to the lot shall be from a paved, State maintained road at least twenty (20) feet in width.

(2) **Driveways/Internal Access Roads (driveways):** Driveways shall not be located within a required buffered setback area except as minimally necessary to access the site. Such driveways shall be all-weather roads negotiable by loaded transport vehicles.

(3) **Vehicular Circulation:** Adequate-stacking space shall be provided on site to accommodate anticipated traffic. Such stacking space shall be screened in accordance with the requirements in Section 5-650 (B).

(4) **Debris:** To prevent the tracking of debris, mud, dirt or other material on public rights-of-way, the public rights-of-way shall be hosed off on a daily basis when the stockpile of dirt facility is in operation. During winter months the road shall be chemically treated to prevent icing conditions after hosing off the road.

(C) **Materials:** Stockpiles of dirt may be comprised only of uncontaminated dirt and naturally occurring rock. Incorporated organic material, including roots, twigs, limbs, logs, leaves, and grass may not exceed three (3)

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percent by volume at any location in the stockpile of dirt. Processing within the stockpile of dirt is limited to grading, sorting, and compacting of dirt and waste rock. Screening of dirt shall not be permitted.

- (D) **Exterior Lighting:** Exterior Lighting shall be permitted for security purposes only and in accordance with Section 5-649. Signage for the stockpile of dirt use shall not be illuminated.
- (E) **Landscaping and Screening:** Landscaping and Screening shall be provided in accordance with Section 5-650.
- (F) **Noise:** Noise created by the activity at the stockpile of dirt shall comply with Section 5-649(B).

Compliance with other Ordinances: Nothing herein shall relieve the stockpile of dirt activity from complying with other Federal, State or County Codes. Where there is a conflict in the applicable ordinances, the more restrictive shall apply. A Zoning Permit is required prior to the commencement of the Stockpiling of Dirt. In addition, prior to commencing any stockpile of dirt activity, a preliminary soil report shall be provided to the County Soil Scientist in accordance with Chapter 6 of the Facilities Standards Manual.

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Funeral Homes. Funeral homes, when located within the PD-IP zoning district, are subject to the following additional provisions:

- (A) The funeral home must be located within a freestanding building and be the sole principal use on the lot.
- (B) The minimum lot size for a funeral home use shall be 1.5 acres.
- (C) The funeral home use shall be established on a parcel of land fronting on, and with direct access to, an existing collector or arterial road.
- (D) Sufficient car stacking space shall be provided on the lot such that a collector or arterial road need not be used for the forming of funeral processions. The area of the lot used for the forming of funeral processions shall have direct, but limited, access to the collector or arterial road.

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Drive-through Facilities Associated With Banks, Financial Institutions and Pharmacies. Drive-through facilities with up to 3 service lanes and an escape lane shall be permitted in association

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with banks, financial institutions and pharmacies that also provide a standard range of customer services in a building, subject to the following additional provisions:

- (A) Notwithstanding the requirements of Section 5-1400(A) and (B), where the bank or financial institution or pharmacy property abuts a residentially zoned or used property a Type Four (4) Rear Yard Buffer including structure shall be provided adjacent to the residential property (Section 5-1400). Further, 70% of canopy trees and 100% of all other plants required in the buffer shall be evergreens.
- (B) Stacking space shall be sufficient to avoid vehicle stacking into drive lanes, parking spaces and public street

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Country Club. Country clubs in the AR-1 and AR-2 shall comply with the following standards:

- (A) **Intensity/Character.** The minimum lot area shall be as follows:

<u>Article I. Use</u>	<u>Lot Area* (Minimum)</u>
<u>Level I-small scale</u>	<u>50 acres</u>
<u>Level II-medium scale</u>	<u>75 acres</u>
<u>Level III-large scale</u>	<u>150 acres</u>
*Lot area shall include total acreage of abutting parcels under common ownership and	
**For purposes of determining FAR and yards, the "property line" is determined to be properties under common ownership and control.	

- (B) **Size of Use.**

- (1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.02.
- (2) **Maximum Structure Size.** The maximum size of structures shall be as follows:

<u>Use</u>	<u>Maximum Total Size of Permitted Principal Structures (GFA)</u>
<u>Level I—small scale</u>	<u>25,000 sq. ft.</u>
<u>Level II—medium scale</u>	<u>50,000 sq. ft.</u>
<u>Level III—large scale</u>	<u>75,000 sq. ft.</u>

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(3) Accessory Structures. The total area of all accessory structures shall not exceed 15 percent of the total gross floor area of the principal structures used for the Country Club use.

(4) Distribution of Uses.

Use	Total Maximum Gross Floor Area of the Principal Permitted Structures
Section 2.01 Dining and Banquet Facilities	30 percent
Conference Facilities	25 percent
Spa and Health Facilities	15 percent

(C) Use Limitations.

- (1) Enclosed principal structures for dining and banquet facilities, conference facilities, spa, fitness facilities, and recreational activities (such as pool and tennis) shall be sited and designed to take advantage of the topography and existing vegetation to blend into the rural landscape to the maximum extent feasible. Except where to do so conflicts with the provisions of Section 6-2000 Conservation Design, such principal structures shall be clustered to maximize usage of site infrastructure (i.e. parking, travelway, utilities). Principal structures that have reason to be separated from the main Country Club complex (e.g. maintenance facilities, structures housing livestock) are not required to be clustered.
- (2) Structures shall be sited to minimize visual impacts on adjacent properties and promote the rural character of the landscape. Siting on primary ridgelines or hilltops, visible from the adjacent public roadways is prohibited; however, if, because of engineering constraints (e.g. utility easements, drainage, access easements, soil conditions, etc.) it becomes necessary to site a facility in a location that is visible from adjacent public roadways, the Zoning Administrator may require additional landscaping and buffering to mitigate the visual impact from adjacent public roadways.

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- (3) Use of the facility, not sponsored by a member, shall require a temporary permit per Section 5-500(C).

(D) Minimum Required Yards.

- (1) Principal and accessory structures shall have a minimum yard of 50 feet from all property lines (the "property line" is determined to be the outer line of the properties under common ownership and control).
- (2) In order to encourage preservation of environmental resources and to attain compliance with Section 6-2000, the yard requirements may be reduced up to 25% by the Zoning Administrator.
- (3) Accessory structures, not requiring a building permit, may be located a minimum of 25 feet from all property lines.

(E) Landscaping/Buffering/Screening.

- (1) **Buffer.** Principal or accessory structures associated with the Country Club use shall comply with the Type 3 landscaping and screening standards of Section 5-1414(B(3) where adjacent to parcels of 3 acres or less. In order to take advantage of natural topography, vegetation, and trees, the required yard or setback buffer area may be located anywhere between the use and the property line.
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(F) Roads/Access.

- (1) **General.** The country club use shall comply with the road access standards of Section 5-654.
- (2) **Number of Access Points.** There shall be no more than two direct points of access from the use to a public road. This requirement shall not preclude an additional access for emergency vehicles.
- (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

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(G) **Water and Sewer.** At a minimum, a communal water system and a communal wastewater collection and treatment system shall serve the establishment.

(H) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** Where practicable, a pervious surface shall be provided. Where not practicable, a dust-free surfacing material shall be provided in accordance with the requirements of the Facilities Standards Manual.

(I) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(J) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A).

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1 **Section 5-700 Regulations for Optional Development Types**

2 **5-701 Transition (TR) Districts Lot Standards.**

3 (A) **Purpose.** The purpose of the Transition (TR) Districts Lot Standards is
4 to:

5 (1) Provide for development in the Transition (TR) zoned areas of the
6 County, in ways that encourage efficient development patterns, ~~and~~
7 ~~protect primary conservation areas in ways that conform with~~
8 ~~conservation design standards.~~

9 (2) Facilitate a transition in the scale of development from the
10 suburban area to the rural area of the County.

11 (3) Facilitate the protection of the 300-foot buffer proposed along the
12 Bull Run, ~~consistent with the standards and requirements of~~
13 ~~RSCOD.~~

14 (4) Facilitate the protection of the 300-foot buffer along the Goose
15 Creek and the Goose Creek Reservoir and the Beaverdam
16 Reservoir, ~~consistent with the standards and requirements of~~
17 ~~RSCOD.~~

18 (B) **Applicability.** The procedures and standards of this section shall apply to
19 the subdivision of two or more lots on all lands located in the TR-10, TR-3
20 (TR-3UBF, TR-3LBR, TR-3LF), TR-2, and TR-1 (TR-1UBF, TR-1LF)
21 districts.

22 (C) **Standards.** The standards of this section shall apply to all development
23 subject to the TR Districts Lot Standards.

24 (1) **Base Density.** The maximum gross density allowed in the TR
25 districts under these standards is:

26 (a) TR-10 district: 1 dwelling unit per 10 acres.

27 (b) TR-3 districts: 1 dwelling unit per 3 acres.

28 (c) TR-2 district: 1 dwelling unit per 20,000 sq. ft.

29 (d) TR-1 districts: 1 dwelling unit per 40,000 sq. ft.

30 (2) **Open Space.** A minimum percentage of the site shall consist of
31 open space, as follows:

32 (a) In the TR-10 district, a minimum of 70 percent of the site
33 shall be maintained as open space.

34 (b) In the TR-3 districts:

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- (i) In the TR-3LBR sub-district, a minimum of 70 percent of the site shall be maintained as open space.
- (ii) In the TR-3UBF and TR-3LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.
- (c) In the TR-2 district, a minimum of 50 percent of the site shall be maintained as open space.
- (d) In the TR-1UBF and TR-1LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.
- (3) **Lot and Open Space Standards.** The two elements of the subdivision are (1) the lot area(s) and (2) the open space. The site layout of these elements shall occur during the review of a preliminary plat for subdivision, ~~simultaneously with the analysis and site planning required to comply with Section 6-2000 (Conservation Design).~~ Establishment of the lots and open space on the site shall comply with the following standards:
- (a) **Lot Standards.** Lots shall comply with the following standards (see Table 5-701(C)(3)(a)).

TABLE 5-701(C)(3)(a): LOT STANDARDS						
District	Lot Grouping	Min. Size Lot	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Max. Building Height
TR-10	Minimum: 5 Maximum: No maximum Lots of less than 5 acres must be grouped in accord with Section 5-701(C)(3)(a)(ii).	None	20 feet	25 feet	10 feet	35 feet
TR-3LBR	Minimum: 5; Maximum 25	None	12 feet	25 feet	7 feet	35 feet
TR-3LF, TR-3UBF	Minimum: 5; Maximum 25	None	12 feet	25 feet	7 feet	35 feet
TR-2	Minimum: 5; Maximum 25	None	10 feet	25 feet	5 feet	35 feet
TR-1LF, TR-1UBF	Minimum: 5; Maximum 25	None	10 feet	25 feet	5 feet	35 feet

- (i) **Lot Yield.** The total number of lots on a site shall not exceed the number permitted to accommodate the base density established by Section 5-701(C)(1), regardless of whether the lot is used for a residential or nonresidential use.

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(ii) **Number of Lots in a Group.** Lots that are less than 5 acres in size shall be located in a contiguous group, with adjacent and fronting lots oriented toward each other, as on a street, green or paved square. The number of grouped lots shall consist of a minimum of 5 lots and a maximum of 25 lots with the exception of TR-10, except that a contiguous group may consist of fewer than 5 lots if:

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1. There will be fewer than 5 lots on the entire site that are less than 5 acres in size; or
2. It is demonstrated that a grouping of fewer than 5 lots will result in greater amounts of contiguous open space or result in less denigration of features within an environmental overlay district—primary conservation areas than residential grouping(s) of 5 lots or more.

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(iii) **Number of Groups.** A single group shall contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:

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1. It is demonstrated that multiple groups will result in greater amounts of contiguous open space; or result in less denigration of features within an environmental overlay district—primary conservation areas; and
2. None of the groups contain fewer than 5 lots, unless allowed as provided in Section 5-701(C)(3)(a)(ii).

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(iv) **Dimensional Standards of Lots.**

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1. In the TR districts there is no maximum or minimum lot size.
2. The yard requirements for the lots in the TR districts shall comply with the standards established in Table 5-701(C)(3)(a).
3. The maximum building height shall not exceed 35 feet.

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(b) **Open Space.** ~~The required percentage of open space on the site shall consist of, in order of priority, (1) primary conservation area lands, and (2) other lands (lands other than primary conservation areas), as follows:~~

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10 (i) **Primary Conservation Area Lands.** All primary conservation area lands shall be included in the open space and shall comply with the requirements of Section 6 2000 (Conservation Design), Section 4 1600 (MDOD), Section 4 1900 (LOD), Section 4 2000 (RSCOD), and Section 5 1508 (Steep Slope Standards), where applicable. One hundred percent (100%) of the primary conservation area lands protected shall be credited against the open space requirement for the subdivision.

11 (ii) **Other Lands.** If all primary conservation area lands constitute less than the required percentage of open space, the balance of the open space shall consist of other lands (lands other than primary conservation areas) on the site, in accord with Section 6 2006(A).

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17 (iii) **Allowed Uses in Open Space.**

18 1. The uses allowed on primary conservation
19 area lands are limited to those uses and
20 activities for the respective protected area
21 allowed in the environmental overlay
22 districts or steep slope standards pursuant to
23 Section 4-1600 (MDOD), Section 4-1900
24 (LOD), Section 4-2000/1500 (FOD)
25 (RSCOD) and Section 5-1508 (Steep Slope
26 Standards) (also see Section 6 2005(A)
27 (Conservation Design));

28 2. The uses allowed on the open space lands
29 shall be limited to:

- 30 a. Activities and uses allowed in open
31 space, as defined in this Ordinance;
32 b. In the TR-10 district and TR-3
33 districts, uses permitted in the
34 Agriculture, Horticulture and Animal
35 Husbandry Use Categories; and
36 c. Easements and improvements for
37 drainage, passive open space,
38 communal sewer systems and septic
39 systems, communal water supply
40 systems, wells and other water
41 supply systems.
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Such uses and activities shall be subject to applicable environmental overlay district regulations and steep slope standards.

(c) Siting of the Open Space and Building Lots.

- (i) The location of the open space on the site shall be identified consistent with the requirements of Sections 5-701(C)(3)(b) and 6-2006(A).
- (ii) The building lots shall be located on that portion of the site that is outside the open space and within the DDA, and sited consistent with the requirements of Section 6-2006(A).
- (iii) The lots and buildings within the subdivision shall be sited so as to reduce visibility of the lot groups from public rights-of-way and from other lot groups, by using existing topography, vegetation, distance and other factors to minimize impact. Options include siting lots and buildings sufficiently below ridgelines or treelines that the horizon will remain visually defined by the ridgeline or treeline rather than by the rooftops of the buildings, or placing lots and buildings at the far edge of a field as seen from a public right-of-way or other lot group.
- (iv) The residential lot group(s) shall be sited so as to relate to the open space and the other lot groups on the site and on adjacent lands, by maximizing the contiguity of other open space features such as vegetation, and natural features such as stream corridors, floodplains, wetlands, steep slopes, ridges, mountainsides, and wildlife habitat.

~~(D) Ownership and Maintenance of Conservation Areas and Open Space.~~
~~The conservation areas in the open space shall be owned and maintained in accordance with the provisions of Section 6-2008.~~

(E) Homeowners' Association and Responsibilities.

- (1) If any of the following features are present, the development shall have an incorporated Homeowners' Association ("HOA"). If any of the following areas or improvements are present within the development, the HOA shall have the right and responsibility to maintain the areas or improvements:

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- (a) Common areas within the development, if any, that are not part of the required open space;
- (b) The open space, if owned by the HOA;
- (c) Any common recreational facilities;
- (d) Private roads, if any, within or serving the development;
- (e) Any storm water management ponds or areas;
- (f) Fire protection pond(s), dry mains, or other improvements;
- (g) Such other common facilities or improvements as may be designated in the bylaws of the HOA.

(2) Prior to approval of a record plat for subdivision for the development:

- (a) The landowner shall submit documents for the creation of the HOA to the County for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land.
- (b) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of the first record plat for the property; and
- (c) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

(F) **Recognizing Protection by Right to Farm Act.** In the TR districts, record plats and deeds authorized pursuant to this section shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Va. Code Section 3.1-22.28 et seq.).

5-702 Rural Hamlet Option.

- (A) **Purpose and Intent.** The primary purpose of the Rural Hamlet Option is to provide an alternative to conventional A-3 and A-10 district subdivision in rural areas. Such clustered development is intended to better harmonize rural development with surrounding agricultural activities recognizing that it is the County's primary goal to preserve and enhance farming and farmland in rural Loudoun by the most feasible, effective, and equitable methods available. This option is intended to conserve agricultural, forestal

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1 and open space land, historic and natural features at the time that such land
2 realizes the development potential currently allowed in the agricultural
3 zoning district. Such clustered development is intended to permit the
4 compact grouping of homes located so as to blend with the existing
5 landscape, such as the rise and fall of the topography, hedgerows and
6 wooded areas, and to preserve to a greater extent the agricultural, forestal
7 and visual character of the landscape.

8
9 (B) **Rural Hamlet Permitted.** Rural hamlets are permitted in the A-3 and A-
10 10 districts. The district regulations shall apply to the extent not in conflict
11 with the regulations contained herein.

12
13 (C) **Rural Hamlet Defined.** A rural hamlet is characterized by the
14 configuration of all or a portion of the density permitted on a tract of land
15 under the district regulations, into a grouping of small residential lots on a
16 portion of the tract. More than one rural hamlet may be located on a tract.
17 A rural hamlet may consist of the following categories of land:

18
19 (1) **Hamlet Lots.** Smaller residential lots located in a contiguous
20 group, with adjacent and fronting lots oriented towards each other
21 as on a street, a green or a paved square. No fewer than five (5)
22 and no more than twenty five (25) hamlet lots may be grouped
23 together as a rural hamlet. Hamlet lots shall have a designated
24 building area. All land not designated as building area, private
25 access easements, and road rights-of-way shall be placed in a
26 permanent open space easement.

27
28 (2) **Open Space.** Residual land contiguous to a rural hamlet, which is
29 subject to a permanent open space easement.

30
31 (3) **Hamlet Green/Square.** Land located in the interior of a rural
32 hamlet, owned in common by hamlet lot owners and which is in a
33 permanent open space easement.

34
35 (4) **Conservancy Lots.** A lot, excluding the hamlet lots, open space
36 and/or hamlet green/square, which will remain as large parcel(s), the
37 bulk of which is in permanent open space easement and a portion of
38 which is designated a building area.

39
40 (D) **Permitted Uses.** The following uses are permitted in the various categories
41 of rural hamlet land. These uses shall supersede the permitted or permissible
42 uses that would otherwise apply in the underlying zoning district.

43
44 (1) **Building Area of Hamlet and Conservancy Lots.**
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- 1 (a) Dwelling, single family detached.
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3 (b) Bed and breakfast homestay.
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5 (c) Home occupation.
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7 (d) Guest house.
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9 (e) Water supply systems.
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11 (f) Wastewater disposal systems.
12
13 (g) Accessory uses and structures, as per Section 5-101 of this
14 Ordinance.
15
16 (h) Dwelling unit, accessory.
17
18 (2) **Open Space Use.** All areas of the tract of land devoted to the Rural
19 Hamlet Option other than the building areas lots and road rights-of-
20 way, shall be subjected to a permanent open space easement. Such
21 open space may be used for the following uses:
22
23 (a) Agriculture, horticulture, forestry, and fishery uses including
24 barns, stables and other structures accessory or incidental to
25 such uses.
26
27 (b) Conservation of open land in its natural state, i.e., woodland,
28 fallow fields, grasslands, wetlands, floodplains, and the like.
29
30 (c) Passive open space or passive recreation, including but not
31 limited to trails, picnic areas, community gardens.
32
33 (d) Active recreation space, including golf courses.
34
35 (e) Equestrian uses of any kind.
36
37 (f) Easements and improvements for drainage, access, sewer or
38 water lines, or other public purposes.
39
40 (g) Stormwater management facilities for the proposed
41 development or for a larger area in compliance with a
42 watershed stormwater management plan.
43
44 (h) Water supply systems.
45

(i) Accessory uses, such as swimming pools, tennis courts, and other accessory uses and structures pursuant to Section 5-101.

(j) Sewage disposal systems.

(E) **Minimum Tract Size.** A rural hamlet shall be located on a tract, or portion thereof, at least forty (40) acres in size.

(F) **Lot Requirements.**

(1) **Hamlet Lot.**

(a) **Lot Size.** 10,000 sq. ft. minimum.
3 acres maximum.

(b) **Building Area.** 5,000 sq. ft. minimum.
15,000 sq. ft. maximum.

(c) **Lot Width.** 64 feet minimum.
150 feet maximum.

(d) **Length/Width Ratio.** 6.0:1 maximum.

(e) **Front Yard.** (as defined in Article VIII)

6 feet minimum.
40 feet maximum,
provided that all principal
buildings shall be located
so that the maximum
deviation for adjacent
front facades shall not
exceed 15 feet, and
provided further that this
maximum Front Yard
requirement shall not
apply to lots located within
subdivisions approved
under the zoning
ordinance in effect prior to
June 16, 1993, and subject
to the provisions of

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Section 1-103(H) of this Ordinance.

(f) **Rear Yard.** 20 feet minimum.

(g) **Side Yard.** 8 feet minimum.

(h) **Building Height.** 35 ft. maximum.

(i) **Building side yard restriction line.** Dwellings, guest houses, garages and other such structures shall not trespass into minimum side yards. However, detached garages located at the rear of a lot (i.e., behind the rear building line) and attached to a similar garage on a contiguous lot may be located within the side yard setback.

(2) **Hamlet Green/Square.** Maximum distance between building areas of cluster lots facing across a hamlet green/square: 350 feet.

(3) **Conservancy Lots.**

A-3 District

A-10

(a) **Lot Size.** 10 acres min. 30 acre min.

(b) **Lot Width.** 300 ft. min. 500 ft. min.

(c) **Length/Width Ratio.** 5:1 max. 5.1 max.

(d) **Building Area.** 7,500 sq.ft. min. 15,000 sq.ft. max.

(e) **Front and Side Yard.** 25 feet min.

(f) **Rear Yard.** 20 feet min.

(g) **Building Height.** 35 feet max.

(G) **Determination of Density.** The potential number of hamlet and conservancy dwelling units shall be based on either of the following, at the option of the landowner:

(1) In the A-3 District, one (1) dwelling unit per five (5) net acres. In the A-10 District, one dwelling unit per ten (10) acres.

(2) The number of dwelling units permitted at a minimum lot size of three (3) or ten (10) acres in the A-3 or A-10 zoning districts

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1 respectively is based on topography, floodplain and availability of
2 septic drainfields. Drainfields shall be submitted to the Loudoun
3 County Health Department for approval in accord with the Land
4 Subdivision and Development Ordinance (LSDO).

- 5
6 (3) For each conservancy lot of fifty (50) acres or greater in size, one (1)
7 additional dwelling unit shall be included in the determination of
8 density.
9

10 (H) **Open Space Requirements.**

- 11
12 (1) **Minimum Open Space.** The minimum amount of land in a Rural
13 Hamlet devoted to open space and subject to permanent open space
14 easements shall be no less than eight-five percent (85%) of the total
15 land area in the Rural Hamlet. All land not designated as building
16 areas, private access easements, and rights-of-way for roads shall be
17 permanent open space.
18
19 (2) **Minimum Open Space Widths Surrounding the Hamlet.** There
20 shall be a minimum of 200 feet width of land in open space between
21 the outside boundary of hamlet lot building areas and the tract
22 boundary. There shall be a minimum of 800 feet between the hamlet
23 lot building area boundaries of two hamlets on the same tract.
24 Reduction of these dimensions may be permitted by the Board of
25 Supervisors (see 5-702(L)), upon recommendation of the Planning
26 Commission, based upon a finding that due to the topography,
27 forestation, or presence of prime agricultural soils or environmentally
28 sensitive areas, such reduction will preserve rural vistas, preserve
29 farmland, screen dwellings from existing roads or adjacent
30 properties, or preserve environmentally sensitive areas.
31
32 (3) **Maximum Hamlet Building Area Depth.** The outside boundaries
33 of the building areas of hamlet lots facing one another across a street
34 shall not exceed 300 feet. The outside boundaries of the building
35 areas of hamlet lots facing one another across a hamlet green/square
36 shall not exceed 550 feet.
37

38 (I) **Utilities and Public Facilities Requirements.**

- 39
40 (1) **Water.** Hamlet lots shall be served either by:
41
42 (a) Individual wells on or off each lot, or
43
44 (b) A communal water system constructed by the developer, or
45

1 (c) A municipal water system if located within an area
2 designated for such connection in the Comprehensive Plan,
3 or

4
5 (d) Connection with an existing rural village or other public
6 water system.

7
8 All water systems shall comply with applicable town,
9 County, State, and/or LCSA standards and requirements,
10 including a commission permit if required by applicable law.
11 As for (a) and (b) above, the Health Department approval of
12 both a safe and adequate water supply system and designated
13 backup well sites based on hydrogeological studies, shall be a
14 precondition to recordation of a record plat establishing a
15 rural hamlet.

16
17 (2) **Wastewater.** Hamlet lots shall be served either by:

18 (a) Individual septic tank drainfields located on or off the lot, or

19 (b) A communal wastewater treatment system constructed by the
20 developer, or

21 (c) A municipal wastewater system, if located within an area
22 designated for such connection in the Comprehensive Plan;
23 or

24 (d) Connection with an existing rural village or other public
25 wastewater treatment system.

26
27 All wastewater systems shall comply with applicable town,
28 County, State, and LCSA standards and requirements,
29 including a commission permit if required by applicable law.

30
31 (3) **Fire Protection.** Every hamlet shall satisfy the fire protection
32 standards set forth in the Facilities Standards Manual, or if no such
33 standards are in effect, shall have all weather access road for a pump
34 truck to an adequate pond with a water withdrawal main or to a water
35 tank of sufficient capacity for fire protection.

36
37 (4) **Roads.** Seven (7) rural hamlet lots or less may be served by a
38 private access easement. Twenty-five (25) rural hamlet lots or less
39 may be served by a VDOT fixed generation, tertiary Class II road.
40 All other roads shall be VDOT Class II roads. All other Rural
41 Hamlet roads shall be built to VDOT secondary road standards.
42
43
44
45

1 Roads serving two or more hamlets, with a combined traffic
2 loading exceeding 250 vehicles per day, shall generally have two
3 (2) access points to the existing rural road network.
4

5 (a) The Planning Commission may waive the two (2) access
6 requirement upon finding special topographic or other
7 circumstances which preclude implementation, but may in
8 this eventuality require alternative configurations of road
9 design, such as a divided median.
10

11 (b) Further, the Planning Commission may waive the public road
12 standards, thereby allowing up to twenty-five (25) rural
13 hamlet lots to be served by private access easements, should
14 the Planning Commission find that the waiver provisions
15 contained in this section are met. This alternative roadway
16 design option must be requested as part of the subdivision
17 application, and shall not be granted for the sole purpose of
18 circumventing the previously referenced public roadway
19 design criteria. In reviewing any proposed waiver, the
20 Planning Commission shall consider the following:
21

22 (i) Whether granting of the proposed waiver will
23 adequately provide for access by public safety service
24 (police, fire and rescue services).
25

26 (ii) Whether granting of the proposed waiver will protect
27 to the greatest extent possible topographic or physical,
28 natural, scenic, archaeological or historical features of
29 significant importance.
30

31 (iii) Whether the granting of the proposed waiver will be
32 in the public's best interest, specifically with regard to
33 future road maintenance considerations.
34

35 (iv) Whether the granting of the proposed waiver will
36 meet engineering standards with regard to steep
37 slopes, storm water control, drainage, soil erosion
38 control; mitigate floodplain impacts; assure adequate
39 dust control measures; and will minimize, to the
40 greatest extent possible, the impact on water and air
41 quality on adjoining properties.
42

43 (v) Whether the granting of the proposed waiver will
44 facilitate orderly and safe road development.
45

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1 (vi) Whether the granting of the proposed waiver will
2 minimize the impact of traffic on the existing
3 roadway network.

4 (vii) Waiver requests shall be considered by the
5 Planning Commission at a public meeting held within
6 sixty (60) days of receipt of such request.
7

8
9 (5) **Parking.** Every hamlet lot shall include sufficient parking (which
10 may or may not be paved) to accommodate four (4) cars.
11

12 (J) **Home Owner's Association.**

13 (1) Each rural hamlet or group of rural hamlets comprising a common
14 development shall have an incorporated Home Owner's Association
15 ("HOA") which shall have the right and responsibility to maintain
16 the following areas and improvements:
17

18 (a) Common open space.
19

20 (b) Private roads, if any, within or serving the rural hamlet.
21

22 (c) Any stormwater management ponds or areas,
23

24 (d) Fire protection pond, dry mains, or other improvements; and
25

26 (e) Such other common facilities or improvements as may be
27 designated in the HOA Bylaws.
28

29 (2) Easements for septic drainfields and wells located off of the lot
30 shall be established at the time of the record plat for such lot, and
31 shall run to the benefit of the lot served. The responsibility for
32 maintaining or replacing such septic fields or wells shall be borne
33 by the lot owner served by such easement.
34

35 (3) The permanent open space easement required in the rural hamlet
36 shall be enforced by the County. Such easement shall be in a form
37 approved by the County, and shall provide that, notwithstanding
38 such easement, the eased portion of conservancy lots or hamlet lots
39 shall be maintained by the owners of such lots, and that the County
40 should bear no responsibility or liability for such maintenance.
41 However, nothing contained herein shall prevent such landowners
42 from leasing such open space for agricultural or other purposes as
43 allowed in Section 5-702(D)(2) Open Space Use.
44

1 (4) The Home Owner's Association documents shall be submitted as part
2 of the initial record plat application and shall provide for adequate
3 initial funding and assessments to fund the maintenance of common
4 property and improvements.

5
6 (K) **Plat and Deed Notations.** Record plats and deeds for rural hamlet
7 subdivisions shall include a statement that agricultural operations enjoy the
8 protection of the Right to Farm Act, Va. Code Section 3.1-22.28 et seq.

9
10 (L) **Modification of Regulations.**

11
12 (1) Where there are conflicts between the rural hamlet provisions herein
13 and the general zoning, subdivision or other regulations and
14 requirements, the rural hamlet regulations shall apply.

15
16 (2) In addition, the Board of Supervisors may allow reasonable
17 modifications to other applicable regulations as follows:

18
19 (a) These other regulations serve public purposes to a lesser
20 degree than the rural hamlet, or

21
22 (b) The designs or solutions proposed by the applicant, although
23 not literally in accord with these other regulations, satisfy
24 public purposes to a greater degree, or

25
26 (c) The strict implementation of these other regulations would
27 prevent well designed rural hamlet development.

28
29 Such modifications may be granted by the Board of Supervisors by
30 special exception. Such modifications may be sought prior to filing
31 a preliminary plan of subdivision. The landowner shall include a
32 sketch plan of the proposed hamlet as part of the application for
33 modification and shall demonstrate the reasons for the request.

34
35 (M) **Advisory Rural Hamlet Siting and Design Guidelines.** Loudoun County
36 recognizes that every rural hamlet design will be a custom response to the
37 unique assets and constraints of each tract. As a consequence, the County
38 has only incorporated in the Rural Hamlet Ordinance those siting and design
39 rules required to preserve open space and to allow the clustering of
40 dwellings. However, the County does wish to encourage design consistent
41 with Loudoun's past in rural Loudoun and appends the following general
42 design guidelines as a suggestion to rural hamlet designers.




43
44 (1) **Siting.** Rural hamlets should be sited so as to nestle, or blend in a
45 subordinate way, into the existing landscape. Rural hamlets should

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1 not be placed on the crest of a ridge but rather should be located in a
2 dip or depression or on the side of a hill.

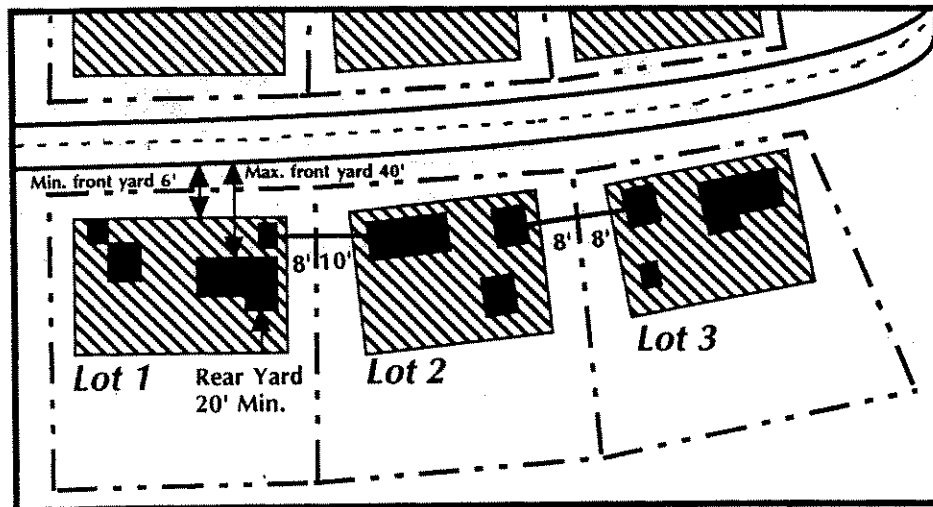
- 3
4 (2) **Landscaping.** Rural hamlet designs should incorporate a mix of
5 evergreen trees, generally located to the north and west for winter
6 wind protection, and deciduous trees, located to the west and south,
7 for summer shade. Given the time required for trees to attain
8 maturity, existing stands of trees and hedgerows should be
9 incorporated in the new hamlets whenever possible. New plantings
10 of evergreen and deciduous trees should be native to the northern
11 Piedmont, such as yellow poplar, northern red and white oak,
12 hickory, white ash, black gum, hemlock, spruce and eastern red cedar
13 among others.
- 14 (3) **Ground Modeling and Screening.** In those circumstances where
15 natural contours, subsurface conditions and tract boundaries prevent
16 discreet hamlet placement, hamlet designers should seek to reduce
17 the development's apparent presence by locating earth berms near
18 adjacent roadways and/or planting screens of trees adjacent to
19 existing roads and tract boundaries.
- 20 (4) **Grouping of Structures.** Dwellings in rural hamlets should be
21 placed in proximity to one another and to common wells or facilities.
22
23

Illustration of Hamlet Lot and Building Area

-  Hamlet Building Area
(min. 1/6 ac. max. 1/4 acre)
-  Structure located on
Hamlet Lot Building Area
-  Hamlet Lot
Eased Open Space

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Minimum lot size 10,000 sq. ft.

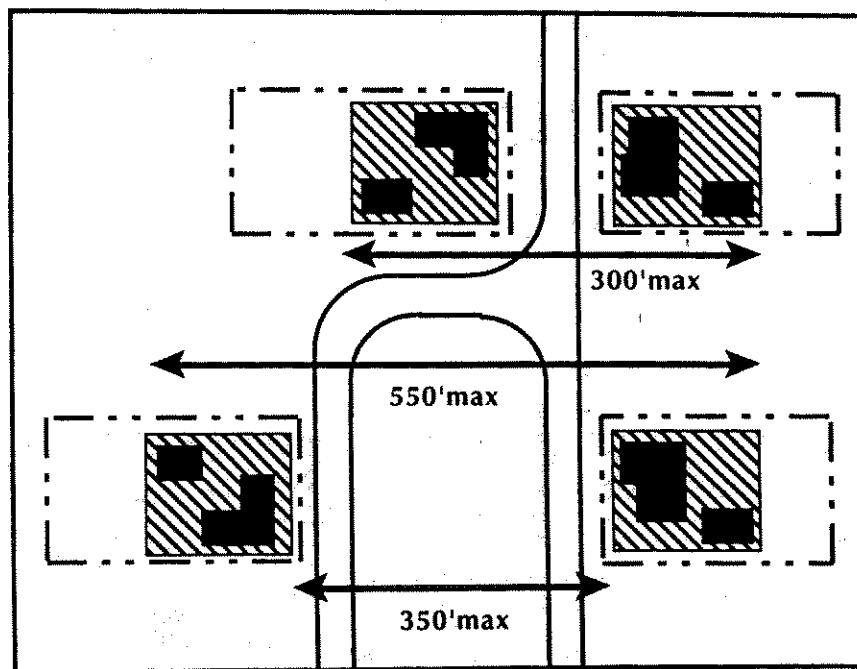
Section 5-700
Revision Date: June 17, 1998
Loudoun County Zoning Ordinance

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Example of Maximum Widths in Rural Hamlets

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Section 5-700
Revision Date: June 17, 1998
Loudoun County Zoning Ordinance

Example of Hamlet Calculations and Ratios

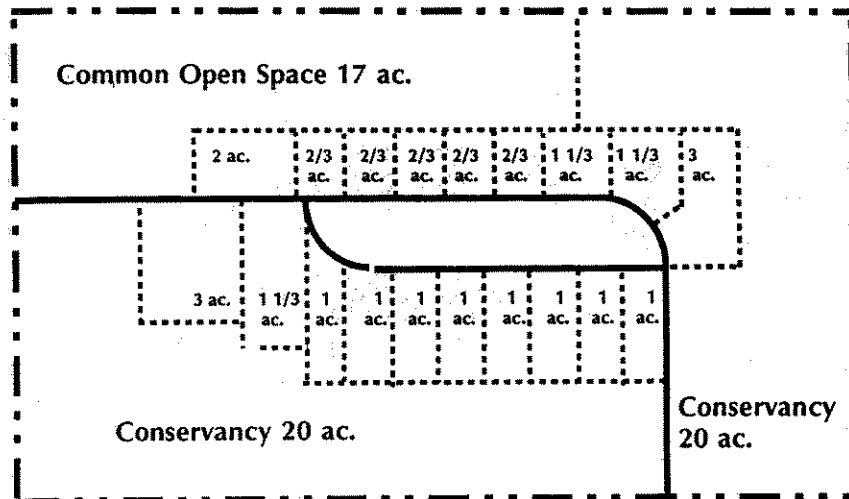
Figure 1. Hamlet Example Summary

88 ac. / 20 Hamlet and 2 Conservancy lots

90.34% All eased land

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements





Section 5-700
Revision Date: June 17, 1998
Loudoun County Zoning Ordinance

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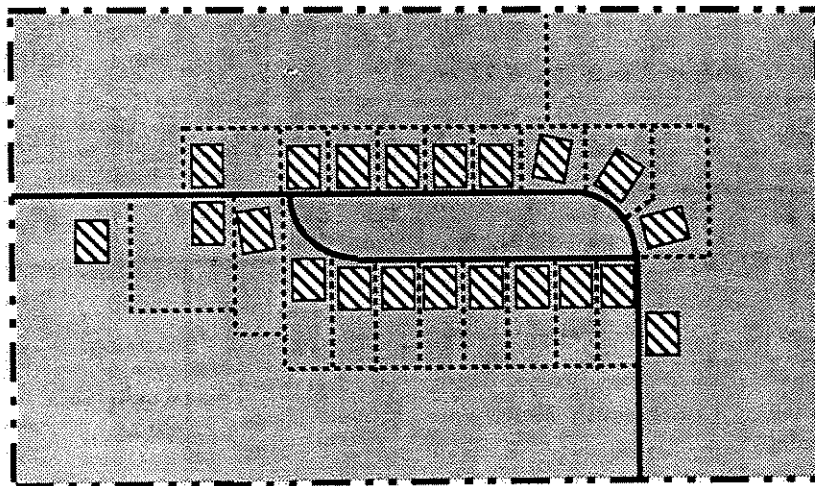
Example of Hamlet Calculations and Ratios

Figure 2. Illustrations of Eased Land and Building Areas in Hamlet

-  Eased area of Conservancy and Hamlet Lots and Common Open Space
-  Designated Building Areas

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Section 5-700
Revision Date: June 17, 1998
Loudoun County Zoning Ordinance

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1 **5-703 Agricultural Rural (AR) District Cluster Option.**

2 (A) **Purpose.** The purpose of the Agricultural Rural (AR) District Cluster
3 Option is to provide for residential single-family detached development in
4 the AR-1 and AR-2 districts that ~~addresses conservation design standards,~~
5 accommodates rural economy uses and ensures the form and character of
6 residential development is consistent with the open character of the rural
7 economy uses.

8 (B) **General Requirements.** The requirements established in the following
9 sections set forth the general and specific standards for development under
10 the AR District Cluster Option.

11 (1) **General.** A landowner may exercise the residential cluster option:

12 (a) In the AR-1 district: on a site consisting of a minimum of
13 30 contiguous acres.

14 (b) In the AR-2 district: on a site consisting of a minimum of
15 60 contiguous acres.

16 For the purposes of this section, contiguous land ownership is not
17 broken by a road or a public or private right-of-way or easement.

18 (2) **Density/Clustering.** Under this AR cluster option, the residential
19 development on the site shall be clustered according to the
20 provisions of this section, and the maximum number of lots shall
21 be:
22

23 (a) AR-1 district: 1 lot per 10 acres, including the Rural
24 Economy Conservation Lands lot.

25 (b) AR-2 district: 1 lot per 20 acres, including the Rural
26 Economy Conservation Lands lot.

27 Accessory dwelling units and guest houses shall not be counted as
28 dwelling units in the density calculation.

29 (3) **Rural Economy Conservation Lands.** A minimum percentage of
30 the site shall consist of Rural Economy Conservation Lands,
31 subject to a conservation easement precluding further subdivision,
32 as follows:
33

34 (a) AR-1 district: 70 percent.

35 (b) AR-2 district: 85 percent.

36
37 (C) **Residential Cluster and Rural Economy Conservation Lands**
38 **Standards.** The two elements of the residential cluster option are (1) the

1 residential cluster and (2) the Rural Economy Conservation Lands lot.
2 The site layout of these elements shall occur during the review of a
3 preliminary plat for subdivision, ~~simultaneously with the analysis and site~~
4 ~~planning required to be undertaken to comply with Section 6 2000~~
5 ~~(Conservation Design)~~. Development of the residential cluster and the
6 Rural Economy Conservation Lands shall comply with the following
7 standards.

8 (1) **Residential Clusters.** Clusters and lots within clusters shall
9 comply with the following standards, except as exempted by
10 Section 5-703(C)(1)(e).

11 (a) **Number of Lots in Cluster(s).** Residential cluster(s) shall
12 consist of a minimum of 5 lots and a maximum of 25 lots,
13 except that a cluster may consist of fewer than 5 lots if:

14 (i) There will be fewer than 5 lots on the entire site that
15 is to be developed under the cluster option;

16 (ii) In the AR-1 district, the area of the site is less than
17 50 acres; or

18 (iii) It is demonstrated that a cluster of fewer than 5 lots
19 will result in greater amounts of contiguous Rural
20 Economy Conservation Lands ~~or result in less~~
21 ~~denigration of primary conservation areas.~~

22 (b) **Number of Clusters.** Multiple clusters shall be required
23 where the total number of lots on a site is greater than 25. A
24 single cluster shall contain all the lots where the total
25 number of lots on a site is 25 or fewer, except that multiple
26 clusters may be allowed where:

27 (i) It is demonstrated that multiple clusters will result
28 in greater amounts of contiguous Rural Economy
29 Conservation Lands ~~or result in less denigration of~~
30 ~~primary conservation areas; and~~

31 (ii) None of the clusters contains fewer than 5 lots,
32 unless allowed as provided in Section 5-
33 703(C)(1)(a) above.

34 (c) **Dimensional Standards of Lots Within Cluster(s).**

35 (i) The area of any individual residential cluster lot
36 shall not exceed 3 acres, except common open
37 space owned by an HOA may exceed the 3 acre
38 maximum lot size.

39 (ii) There is no minimum lot size for a residential lot in
40 the cluster(s).

(iii) Residential structures within the cluster shall be set back a minimum of 100 feet from any lot line adjoining an agricultural, horticultural, or animal husbandry use.

(iv) The residential cluster lots shall be located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a street or along a common area.

(d) **One Dwelling Unit on a Lot.** The only principal use on each residential cluster lot, except the Rural Economy Conservation Lands lot, shall be one single family detached dwelling unit, and any accessory uses (including communal systems) allowed for the single family detached unit under this Ordinance.

(e) **HOA Common Area.** In addition to the number of lots permitted above, a common open space area owned by an HOA may be provided ~~within the DDA, created pursuant to Section 6-2000.~~

(2) **Rural Economy Conservation Lands Lot.** The required percentage of Rural Economy Conservation Lands on the site shall include primary conservation area lands and other lands, as may be necessary to meet the required percentage. The Rural Economy Conservation Lands shall be designed to be contiguous, and shall be included within one lot. Such lot shall be counted against the maximum number of lots permitted.

(a) **Allowed Uses on Rural Economy Conservation Lands.** The following uses are allowed on the Rural Economy Conservation Lands:

(i) The uses allowed on ~~primary conservation area lands on~~ the Rural Economy Conservation Lands are limited to those uses and activities for the respective protected area allowed in the environmental overlay districts or steep slope standards pursuant to Section 4-1600 (MDOD), ~~Section 4-1900 (LOD)~~, Section 4-1500 (FOD) 2000 ~~(RSCOD)~~ and Section 5-1508 (Steep Slope Standards).

(ii) The uses allowed on the other Rural Economy Conservation Lands are limited to those uses specified below which are subject to the Additional Regulations for Specific Uses in Section 5-600:

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1. One single-family detached unit (including accessory uses such as an accessory apartment) is permitted, in association with on-going agricultural uses. It shall be calculated as part of the density allowed on the site under the cluster option.
2. Permitted Agriculture, Horticulture and Animal Husbandry Uses.
3. Permitted Agriculture Support and Services uses related to Agricultural, Horticulture and Animal Husbandry.
4. Permitted Group Living uses (except co-housing and rooming houses).
5. Permitted Conference and Training Center uses.
6. Agricultural Cultural Center and Fairgrounds uses.
7. Permitted Commercial Uses.
8. Uses and structures accessory to those uses allowed to be developed on Rural Economy Conservation Lands pursuant to this subsection, consistent with the limitations of the accessory use standards.
9. Easements and improvements for drainage.
10. Passive open space.
11. Communal sewer systems and septic systems.
12. Communal water supply systems, wells, and other water supply systems.
13. HOA structure(s) if the Rural Economy Conservation Land is owned as common open space by the HOA.

(3) **Cluster Development Relationships.**

- (a) **Visual Compatibility.** The lots and buildings of the residential cluster(s) shall be sited so as to reduce visibility of the cluster(s) from public rights-of-way and from other cluster(s), by using existing topography, vegetation, distance and other factors to minimize impact. Options include siting lots and buildings sufficiently below

1 ridgelines or treelines that the horizon will remain visually
2 defined by the ridgeline or treeline rather than by the
3 rooftops of the cluster, or placing lots and buildings at the
4 far edge of a field or pasture as seen from a public right-of-
5 way or other cluster so that the view remains defined by an
6 open and rural character.

- 7 (b) **Contiguity of Rural Economy Conservation Lands.** The
8 Rural Economy Conservation Lands lot shall be designed
9 to maximize, to the extent feasible, the contiguity of such
10 lands with other Rural Economy Conservation Lands off-
11 site.

12
13 (D) **Utility Requirements.**

- 14 (1) **Water.** Residential lots may be served with individual wells or by
15 communal water supply systems. Such wells and water supply
16 systems or their components may be located on or off the
17 individual lot, and may be located within the Rural Economy
18 Conservation Lands ~~consistent with the standards of this section~~
19 ~~and Section 6 2005.~~

- 20 (2) **Wastewater.** Residential lots may be served by communal sewer
21 systems or by septic systems. Such systems and their components
22 may be located on or off the individual lot, and may be located
23 within the Rural Economy Conservation Lands ~~consistent with the~~
24 ~~standards of this section and Section 6 2005.~~

- 25 (E) **Fire Protection.** The residential cluster shall satisfy the fire protection
26 standards set forth in the Facilities Standards Manual, or if no such
27 standards are in effect, shall have an all-weather access road for a pump
28 truck to an adequate pond with a water withdrawal main or to a water tank
29 of sufficient capacity for fire protection as determined by the Director of
30 Building and Development.

- 31 (F) **Roads.** The residential cluster lots may be served by a private access
32 easement with gravel road surfaces that comply with standards contained
33 in the Facilities Standards Manual.

- 34 ~~(G) **Ownership and Maintenance of Rural Economy Conservation Lands.**~~
35 ~~The primary conservation areas and other lands on the Rural Economy~~
36 ~~Conservation Lands shall be owned and maintained in accordance with the~~
37 ~~provisions of Section 6 2008.~~

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1 (H) **Homeowners' Association and Responsibilities.**

2 (1) The cluster development shall have an incorporated Homeowners'
3 Association ("HOA") if any of the following areas or
4 improvements are present within the cluster development. The
5 HOA shall have the right and responsibility to maintain the areas
6 or improvements.

- 7 (a) Common areas within the cluster, if any, that are not part of
8 the required Rural Economy Conservation Lands;
9 (b) The Rural Economy Conservation Lands, if owned by the
10 HOA;
11 (c) Private roads, if any, within or serving the cluster
12 development;
13 (d) Any stormwater management ponds or areas;
14 (e) Fire protection pond(s), dry mains, or other improvements;
15 (f) Such other common facilities or improvements as may be
16 designated in the bylaws of the HOA.

17 (2) Prior to approval of a record plat for subdivision for the cluster:
18

- 19 (a) The landowner shall submit documents for the creation of
20 the HOA to the County for review and approval, including
21 its bylaws, and all documents governing ownership,
22 maintenance, and use restrictions for common areas,
23 including a legal description of such areas and a description
24 of restrictions placed upon the use and enjoyment of the
25 land.
26 (b) The landowner shall agree that the association shall be
27 established by the landowner or applicant and shall be
28 operating (with financial subsidization by the owner or
29 applicant, if necessary) before approval of first record plat
30 for the property; and
31 (c) Membership in the association shall be automatic
32 (mandatory) for all purchasers of dwelling units therein and
33 their successors in title.

34 (I) **Recognizing Protection by Right to Farm Act.** Record plats and deeds
35 authorized pursuant to this section shall include a statement that
36 agricultural operations enjoy the protection of the Right to Farm Act (Va.
37 Code Section 3.1-22.28 et seq.) on the Rural Economy Conservation
38 Lands.
39

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1
2 **5-704 Common Open Space for Permitted Urban Clusters as permitted in various**
3 **sections contained in Article III and Article IV of this Zoning Ordinance.**
4

- 5 (A) Common open space shall be designed to constitute a contiguous and
6 cohesive unit of land which may be used for active or passive recreation by
7 residents.
8
9 (B) Common open space shall be accessible to all permitted uses and all
10 residential units within the subject development and shall be located
11 within a reasonable walking distance of such units.
12
13 (C) All common open space shall be permanently reserved, managed, and
14 maintained as open space by a means acceptable to the Board of
15 Supervisors, and at no cost to the County.
16
17 (D) No major floodplain shall be included in calculating the amount of common
18 open space required.
19
20

1 **5-703 Agricultural Rural (AR) District Cluster Option.**

2 ~~(A) Purpose.~~ The purpose of the Agricultural Rural (AR) District Cluster
3 Option is to provide for residential single family detached development in
4 the AR 1 and AR 2 districts that addresses conservation design standards,
5 accommodates rural economy uses and ensures the form and character of
6 residential development is consistent with the open character of the rural
7 economy uses.

8 ~~(A) General Requirements.~~ The requirements established in the following
9 sections set forth the general and specific standards for development under
10 the AR District Cluster Option.

11 ~~(1) General.~~ A landowner may exercise the residential cluster option:

12 ~~(a) In the AR 1 district: on a site consisting of a minimum of~~
13 ~~30 contiguous acres.~~

14 ~~(b) In the AR 2 district: on a site consisting of a minimum of~~
15 ~~60 contiguous acres.~~

16 For the purposes of this section, contiguous land ownership is not
17 broken by a road or a public or private right of way or easement.

18 ~~(2) Density/Clustering.~~ Under this AR cluster option, the residential
19 development on the site shall be clustered according to the
20 provisions of this section, and the maximum number of lots shall
21 be:
22

23 ~~(a) AR 1 district: 1 lot per 10 acres, including the Rural~~
24 ~~Economy Conservation Lands lot.~~

25 ~~(b) AR 2 district: 1 lot per 20 acres, including the Rural~~
26 ~~Economy Conservation Lands lot.~~

27 Accessory dwelling units and guest houses shall not be counted as
28 dwelling units in the density calculation.

29 ~~(3) Rural Economy Conservation Lands.~~ A minimum percentage of
30 the site shall consist of Rural Economy Conservation Lands;
31 subject to a conservation easement precluding further subdivision;
32 as follows:
33

34 ~~(a) AR 1 district: 70 percent.~~

35 ~~(b) AR 2 district: 85 percent.~~

36
37 ~~(B) Residential Cluster and Rural Economy Conservation Lands~~
38 ~~Standards.~~ The two elements of the residential cluster option are (1) the

1 residential cluster and (2) the Rural Economy Conservation Lands lot.
2 The site layout of these elements shall occur during the review of a
3 preliminary plat for subdivision, simultaneously with the analysis and site
4 planning required to be undertaken to comply with Section 6 2000
5 (Conservation Design). Development of the residential cluster and the
6 Rural Economy Conservation Lands shall comply with the following
7 standards:

8 (1) ~~Residential Clusters.~~ Clusters and lots within clusters shall
9 comply with the following standards, except as exempted by
10 Section 5 703(C)(1)(e).

11 (a) ~~Number of Lots in Cluster(s).~~ Residential cluster(s) shall
12 consist of a minimum of 5 lots and a maximum of 25 lots,
13 except that a cluster may consist of fewer than 5 lots if:

- 14 (i) There will be fewer than 5 lots on the entire site that
15 is to be developed under the cluster option;
16 (ii) In the AR-1 district, the area of the site is less than
17 50 acres; or
18 (iii) It is demonstrated that a cluster of fewer than 5 lots
19 will result in greater amounts of contiguous Rural
20 Economy Conservation Lands or result in less
21 denigration of primary conservation areas.

22 (b) ~~Number of Clusters.~~ Multiple clusters shall be required
23 where the total number of lots on a site is greater than 25. A
24 single cluster shall contain all the lots where the total
25 number of lots on a site is 25 or fewer, except that multiple
26 clusters may be allowed where:

- 27 (i) It is demonstrated that multiple clusters will result
28 in greater amounts of contiguous Rural Economy
29 Conservation Lands or result in less denigration of
30 primary conservation areas; and
31 (ii) None of the clusters contains fewer than 5 lots,
32 unless allowed as provided in Section 5-
33 703(C)(1)(a) above.

34 (c) ~~Dimensional Standards of Lots Within Cluster(s).~~

- 35 (i) The area of any individual residential cluster lot
36 shall not exceed 3 acres, except common open
37 space owned by an HOA may exceed the 3-acre
38 maximum lot size.
39 (ii) There is no minimum lot size for a residential lot in
40 the cluster(s).

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(iii) ~~Residential structures within the cluster shall be set back a minimum of 100 feet from any lot line adjoining an agricultural, horticultural, or animal husbandry use.~~

(iv) ~~The residential cluster lots shall be located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a street or along a common area.~~

(d) ~~**One Dwelling Unit on a Lot.** The only principal use on each residential cluster lot, except the Rural Economy Conservation Lands lot, shall be one single family detached dwelling unit, and any accessory uses (including communal systems) allowed for the single family detached unit under this Ordinance.~~

(e) ~~**HOA Common Area.** In addition to the number of lots permitted above, a common open space area owned by an HOA may be provided within the DDA, created pursuant to Section 6 2000.~~

(2) ~~**Rural Economy Conservation Lands Lot.** The required percentage of Rural Economy Conservation Lands on the site shall include primary conservation area lands and other lands, as may be necessary to meet the required percentage. The Rural Economy Conservation Lands shall be designed to be contiguous, and shall be included within one lot. Such lot shall be counted against the maximum number of lots permitted.~~

(a) ~~**Allowed Uses on Rural Economy Conservation Lands.** The following uses are allowed on the Rural Economy Conservation Lands:~~

(i) ~~The uses allowed on primary conservation area lands on the Rural Economy Conservation Lands are limited to those uses and activities for the respective protected area allowed in the environmental overlay districts or steep slope standards pursuant to Section 4 1600 (MDOD), Section 4 1900 (LOD), Section 4 1500 (FOD) 2000 (RSCOD) and Section 5 1508 (Steep Slope Standards).~~

(ii) ~~The uses allowed on the other Rural Economy Conservation Lands are limited to those uses specified below which are subject to the Additional Regulations for Specific Uses in Section 5 600:~~

1. ~~One single family detached unit (including accessory uses such as an accessory apartment) is permitted, in association with on going agricultural uses. It shall be calculated as part of the density allowed on the site under the cluster option.~~
2. ~~Permitted Agriculture, Horticulture and Animal Husbandry Uses.~~
3. ~~Permitted Agriculture Support and Services uses related to Agricultural, Horticulture and Animal Husbandry.~~
4. ~~Permitted Group Living uses (except co-housing and rooming houses).~~
5. ~~Permitted Conference and Training Center uses.~~
6. ~~Agricultural Cultural Center and Fairgrounds uses.~~
7. ~~Permitted Commercial Uses.~~
8. ~~Uses and structures accessory to those uses allowed to be developed on Rural Economy Conservation Lands pursuant to this subsection, consistent with the limitations of the accessory use standards.~~
9. ~~Easements and improvements for drainage.~~
10. ~~Passive open space.~~
11. ~~Communal sewer systems and septic systems.~~
12. ~~Communal water supply systems, wells, and other water supply systems.~~
13. ~~HOA structure(s) if the Rural Economy Conservation Land is owned as common open space by the HOA.~~

(3) ~~Cluster Development Relationships.~~

- (a) **~~Visual Compatibility.~~** ~~The lots and buildings of the residential cluster(s) shall be sited so as to reduce visibility of the cluster(s) from public rights of way and from other cluster(s), by using existing topography, vegetation, distance and other factors to minimize impact. Options include siting lots and buildings sufficiently below~~

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1 ridgelines or treelines that the horizon will remain visually
2 defined by the ridgeline or treeline rather than by the
3 rooftops of the cluster, or placing lots and buildings at the
4 far edge of a field or pasture as seen from a public right of
5 way or other cluster so that the view remains defined by an
6 open and rural character.

- 7 (b) **Contiguity of Rural Economy Conservation Lands.** The
8 Rural Economy Conservation Lands lot shall be designed
9 to maximize, to the extent feasible, the contiguity of such
10 lands with other Rural Economy Conservation Lands off-
11 site.

12
13 **(C) Utility Requirements.**

- 14 (1) **Water.** Residential lots may be served with individual wells or by
15 communal water supply systems. Such wells and water supply
16 systems or their components may be located on or off the
17 individual lot, and may be located within the Rural Economy
18 Conservation Lands consistent with the standards of this section
19 and Section 6-2005.

- 20 (2) **Wastewater.** Residential lots may be served by communal sewer
21 systems or by septic systems. Such systems and their components
22 may be located on or off the individual lot, and may be located
23 within the Rural Economy Conservation Lands consistent with the
24 standards of this section and Section 6-2005.

- 25 **(D) Fire Protection.** The residential cluster shall satisfy the fire protection
26 standards set forth in the Facilities Standards Manual, or if no such
27 standards are in effect, shall have an all weather access road for a pump
28 truck to an adequate pond with a water withdrawal main or to a water tank
29 of sufficient capacity for fire protection as determined by the Director of
30 Building and Development.

- 31 **(E) Roads.** The residential cluster lots may be served by a private access
32 easement with gravel road surfaces that comply with standards contained
33 in the Facilities Standards Manual.

- 34 **(F) Ownership and Maintenance of Rural Economy Conservation Lands.**
35 The primary conservation areas and other lands on the Rural Economy
36 Conservation Lands shall be owned and maintained in accordance with the
37 provisions of Section 6-2008.

1 **(G) ~~Homeowners' Association and Responsibilities.~~**

2 ~~(1) The cluster development shall have an incorporated Homeowners'~~
3 ~~Association ("HOA") if any of the following areas or~~
4 ~~improvements are present within the cluster development. The~~
5 ~~HOA shall have the right and responsibility to maintain the areas~~
6 ~~or improvements.~~

- 7 ~~(a) Common areas within the cluster, if any, that are not part of~~
8 ~~the required Rural Economy Conservation Lands;~~
9 ~~(b) The Rural Economy Conservation Lands, if owned by the~~
10 ~~HOA;~~
11 ~~(c) Private roads, if any, within or serving the cluster~~
12 ~~development;~~
13 ~~(d) Any stormwater management ponds or areas;~~
14 ~~(e) Fire protection pond(s), dry mains, or other improvements;~~
15 ~~(f) Such other common facilities or improvements as may be~~
16 ~~designated in the bylaws of the HOA.~~

17 ~~(2) Prior to approval of a record plat for subdivision for the cluster:~~

- 18 ~~(a) The landowner shall submit documents for the creation of~~
19 ~~the HOA to the County for review and approval, including~~
20 ~~its bylaws, and all documents governing ownership,~~
21 ~~maintenance, and use restrictions for common areas,~~
22 ~~including a legal description of such areas and a description~~
23 ~~of restrictions placed upon the use and enjoyment of the~~
24 ~~land.~~
25 ~~(b) The landowner shall agree that the association shall be~~
26 ~~established by the landowner or applicant and shall be~~
27 ~~operating (with financial subsidization by the owner or~~
28 ~~applicant, if necessary) before approval of first record plat~~
29 ~~for the property; and~~
30 ~~(c) Membership in the association shall be automatic~~
31 ~~(mandatory) for all purchasers of dwelling units therein and~~
32 ~~their successors in title.~~

33 **(H) Recognizing Protection by Right to Farm Act.** Record plats and deeds
34 authorized pursuant to this section shall include a statement that
35 agricultural operations enjoy the protection of the Right to Farm Act (Va.
36 Code Section 3.1-22.28 et seq.) on the Rural Economy Conservation
37 Lands.
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SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Ground Mounted Sign			Ground Mounted Background Structure			Type Permitted (See Note 2)					Additional Requirements		
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W.	Type Permitted		Max. Height (See Note 3)	
(3) COMMERCIAL/OFFICE SIGNS (Continued)														
(cc) Restaurant - (Freestanding Building with over 4000 SF floor area)	120 SF	3	20 SF freestanding 60 SF bldg mounted	1.5	30 SF	1.5	45 SF	8 FT	Backlight	10 FT	Freestanding	15 FT	Drive-through menu does not count toward sign area.	
											Building Mounted	Roofline		
(dd) Restaurant - (In Line Structure)	2 SF/ linear foot of building frontage	1/facade, no more than 3 signs	60 SF						Backlight		Building Mounted	Roofline	Drive-through menu does not count toward sign area.	
(ee) Restaurant Drive-Through Menu	30 SF	2	20 SF	1.5	30 SF						Freestanding	5 FT	Must be screened from all roads.	
(ff) Business in A-3, A-10, AR, BR, J, MA, TR and CR Districts	10 SF	2/lot	10 SF						None	5 FT	Freestanding	8 FT		
											Building Mounted			
(gg) Business in R-C District	40 SF	2	20 SF						None	5 FT	Freestanding	8 FT		
(hh) Business in R Districts	4 SF for lots ≤ 10 acres; 8 SF for lots > 10 acres	1 for lots ≤ 10 acres; 2 for lots > 10 acres	4 SF						None	5 FT	Freestanding	8 FT		
											Building Mounted			

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SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Ground Mounted				Ground Mounted Background Structure				Additional Requirements				
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
				Bonus	Any One Sign								
(5) TEMPORARY SIGNS (a) Temporary Signs - On-	4 SF	1	4 SF						None	5 FT	Freestanding Balloons Banners Pennants Inflated Devices	4 FT	Permit limited to one (1) month from date of issuance, for no more than 3 consecutive months.
									None	5 FT	Freestanding Balloons Banners Pennants Inflated Devices	4 FT	Permit limited to one (1) month from date of issuance, for no more than 3 consecutive months.
(b) Temporary Signs - Off-		Reasonable number as determined by the Zoning Administrator.	4 SF						None	10 FT	Ground Mounted	8 FT	Residential signs only in A-3/A-10/A-25/AP, RR & CR Districts. Contractor to remove sign upon completion of construction.
(c) Temporary Construction Signs	20 SF Commercial	1/contractor per job site	20 SF						None	10 FT	Ground Mounted	8 FT	Residential signs only in A-3/A-10/A-25/AP, RR & CR Districts. Contractor to remove sign upon completion of construction.
	10 SF Residential	1/contractor per job site	10 SF						None	10 FT	Ground Mounted	8 FT	Residential signs only in A-3/A-10/A-25/AP, RR & CR Districts. Contractor to remove sign upon completion of construction.

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Division D: Landscaping, Buffering and Tree Preservation

Section 5-1300

Tree Planting and Replacement.

5-1301

Purpose. The purpose and intent of this Section is to promulgate regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to Section 15.2-961 of the Code of Virginia.

5-1302

General Standards.

- (A) All trees to be planted shall meet the specifications of the American Association of Nurserymen.
- (B) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation. The County shall maintain current copies of these specifications available to the public.
- (C) The minimum caliper of all deciduous trees planted shall be one (1) inch, and the minimum height of all evergreen trees shall be six (6) feet.

5-1303

Canopy Requirements.

- (A) **Site Planning.** A Final Site Plan, or Construction Plans and Profiles for single family attached units in those districts where applicable, required under Section 6-701, shall include the planting and replacement of trees on site to the extent that, at maturity of ten (10) years, minimum tree canopy shall be provided as follows:
 - (1) Ten (10) percent tree canopy for sites zoned business, commercial, or industrial in the GB, PD-IP, PD-OP, PD-GI, MR-HI, PD-CC, PD-RDP, PD-SA, PD-TRC, PD-TREC, PD-TC, CLI, RC, and PD-H Districts.

(2) Ten (10) percent tree canopy for sites zoned PD-H and R-24 with densities of twenty (20) or more units per acre.

(3) Fifteen (15) percent tree canopy for sites zoned PD-H and R-16 for multi-family and single family attached units with densities of eleven (11) to nineteen (19) units per acre.

(4) Twenty (20) percent tree canopy for sites zoned PD-H and R-8 for multi-family and single family attached units with densities of three (3) to ten (10) units per acre.

(B) **For development requiring a plan of subdivision, but not a site plan, property not zoned A-3, A-10, AR-1, AR-2, RR-1, RR-2, i.e. single family and duplex dwellings.** When a plan of subdivision is required under the Land Subdivision and Development Ordinance and the property is not zoned A-3, A-10, AR-1, AR-2, RR-1, RR-2, a landscape plan shall be included at Record Plat or construction drawings, whichever shall occur first, that provides for the planting or replacement of trees on the site to the extent that, at maturity of ten (10) years, minimum tree canopies will be provided as follows:

(1) If the site has a tree canopy coverage of 20% or more, the plan shall provide for the preservation, or planting and replacement of trees on site so as to result in a tree canopy of at least 20%, calculated at 10 years maturity.

(2) If the site has a tree canopy coverage of less than twenty (20%) prior to recordation of the subdivision, the plan shall provide for the preservation or planting and replacement of an equivalent percentage of tree canopy coverage as existed prior to development, calculated at 10 year maturity.

(3) Every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 10 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract. Such trees shall be counted toward the

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minimum tree canopy requirements in (1) and (2) above.

- (4) Trees shall be planted at a density of one tree per 50 linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of 1" and a height at maturity of 15 feet or more. Such trees shall be counted toward the minimum tree canopy requirements in (1), (2) and (3) above.

(C) **Exclusions.** For the purpose of calculating the area of a site, to determine tree canopy coverage requirements, the following areas shall be excluded:

- (1) Properties reserved or dedicated for future street construction or other public improvements.
- (2) Ponds and unwooded wetlands.
- (3) Properties reserved or dedicated for school sites, playing fields and other non-wooded recreation areas, and other facilities and areas of a similar nature.
- [(4) Portions of a site which contain existing structures that are not the subject of a pending application.

(D) **Existing Conditions.** Existing trees which are to be preserved may be included to meet all or part of the canopy requirements, and may include wooded preserves, if the site plan or record plat, or construction plans and profiles, identifies such trees and the trees meet standards of desirability and life-year expectancy established by the Zoning Administrator.

5-1304

Variations. Reasonable exceptions to or deviations from the requirements in this Section to allow for the reasonable development of farmland or other areas devoid of woody materials, including the preservation of wetlands, or when the strict application of the requirements would result in unnecessary or otherwise unreasonable hardship to the developer, shall be considered by the Zoning Administrator upon application by the owner.

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5-1305

Enforcement. Penalties for violations of the requirements of this Section shall be the same as those applicable to violations of other provisions of this Ordinance.

Section 5-1400

Buffering and Screening.

5-1401

Purpose. The purpose and intent of this Section is to facilitate the creation of a convenient, attractive and harmonious county; to conserve natural resources including adequate air and water; to preserve the character of an area by preventing or mitigating the harmful effects of one use on another use; and to preserve and promote the health, safety and general welfare to the public. More specifically, this Section is intended to mitigate the effects of uses on adjacent uses by requiring a screen and/or buffer between the uses in order to minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Also, this Section is intended to require the landscaping of parking lots in order to reduce the harmful effects of heat and noise and the glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to enhance the natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; and to provide shade.

5-1402

Applicability.

- (A) The provisions of this Section shall apply to all development where site plans and/or subdivisions are filed in accordance with the provisions of Section 6-700 of this Ordinance or the Land Subdivision and Development Ordinance.
- (B) The provisions of this Section are intended to complement the regulations of Section 5-1300 of this Ordinance. Trees planted to fulfill the Canopy requirements of Section 5-1300 may also fulfill the Buffering and Screening requirements of this Section. However, where any provision of this Section imposes restrictions or standards different from those of Section 5-1300 or any other County ordinance or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control, unless the intent is clearly otherwise.

5-1403

Standards. The following standards shall apply to the installation and maintenance of all landscaping and screening required by the provisions of this Section.

- (A) The planting and maintenance of all trees and shrubs shall be in accordance with the provisions of Facilities Standards Manual, and the following requirements:

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- (1) The installation of all landscaping shall be done following the procedures established by the American Association of Nurserymen.
- (2) At the time of planting, all canopy trees shall have a minimum caliper of one (1) inch dba, and all understory trees shall have a minimum height of six (6) feet. Evergreen trees shall be a minimum of six (6) feet in height. Evergreen shrubs shall have a minimum height of thirty (30) inches. Dwarf deciduous shrubs shall have a minimum height of eighteen (18) inches.
- (B) Existing vegetation which is suitable for use in compliance with the requirements of this Section, when supplemented by new vegetation, if needed, so as to provide buffering and screening in accordance with the purpose and intent of this Section, may and should be used as required planting.
- (C) In addition to the standards set forth in this Section, the Board of Supervisors or the Board of Zoning Appeals may require more stringent requirements as part of an approval action of a special exception, variance, or as part of proffered conditions.
- (D) All landscaping shall permit site distances consistent with all current code requirements of Loudoun County and VDOT.

5-1404

Landscaping Plan.

- (A) Except as permitted by the provisions of Section 5-1305 below, a landscaping plan, including a parking lot landscape and screening plan, shall be submitted as part of every final site plan required by the provisions of Section 6-701.
- (B) Such landscaping plans shall be drawn to scale, including dimensions and distances, and shall delineate existing and proposed buildings, parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials and the installation schedule if materials are to be installed in phases extending beyond 90 days from the date of occupancy of the building or structure to which they are appurtenant.
- (C) The landscaping measures, as required by this Section shall be shown on such initial plan and shall be completed or bonded in accord with current County policy according to specifications prior to approval of any Certificate of Occupancy.

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5-1405

Buffer Yards and Screening, General Provisions.

- (A) Buffer yards and screening shall be provided in accordance with the Buffer Yard and Screening Matrix set forth in Section 5-1414(A), and in accordance with the provisions of this Section and Section 5-1407 and 5-1408 below.
- (B) Buffer yards and screening shall be provided within the zoning district and on the lot whose use is indicated in the left column of the matrix where it is contiguous or across the street from land used or zoned for uses indicated across the top of the matrix.
- (C) Where the structure or lot or development is to contain more than one use or category of uses as presented in the matrix, the more stringent requirements of the matrix shall apply; provided, however, that the Zoning Administrator may reduce and/or modify the requirements of the matrix upon a finding that the need for the more stringent requirements has been partially mitigated or eliminated by the arrangement of uses.
- (D) The uses in the matrix are listed in abbreviated form. Other similar uses, as may be included in a listing presented in the district regulations, shall be subject to the same regulations as are presented for a use listed on the matrix.
- (E) In those instances where a proposed use and/or an existing use on the abutting property is not listed in the matrix, the Zoning Administrator, using the matrix as a guide, shall determine to what extent buffering and screening shall be provided.
- (F) In addition to the standards set forth in herein for a particular use, all uses allowed by special exception, or variance in a given district, shall be required to provide buffer yards as determined by the BZA or Board of Supervisors, as the case may be, using the matrix as a guide.

5-1406

Determination of Buffer Yard Requirements. To determine the type of buffer yard required between two (2) adjacent parcels or between a parcel and a use across the street, refer to the buffer yard and screening matrix, and identify the buffer yard required pursuant to one of the following procedures:

- (A) **Proposed development adjacent to an improved property that is a pre-existing use which existed prior to the effective date of this Ordinance.**

- (1) If the proposed use is in the same land use category or is a more intensive than the pre-existing use, the proposed use must provide the buffer yard type as required by the Buffer Yard and Screening Matrix.
 - (2) If the proposed use is less intensive than the pre-existing use, the proposed use must provide the buffer yard type that would have been provided by the existing more intensive use as if it were subject to the requirements herein.
 - (3) The Zoning Administrator may waive reduce and/or modify the requirement if it presents a substantial hardship or is considered unnecessary as identified in Section 5-1409.
- (B) **Proposed development adjacent to a use developed subsequent to the effective date of this Ordinance.** The proposed use must install plant units in order to bring the total buffer yard required between the two uses into conformance with the Buffer Yard and Screening Matrix.
- (C) **Proposed Development Adjacent to a Vacant Property.** To determine the buffer yard type for a proposed development which will be constructed adjacent to vacant land, the Zoning Administrator must first make a determination on the probable future use of the adjacent vacant land, using the Comprehensive Plan, Zoning Ordinance and Zoning District Map.
- (1) If the proposed use is more intensive than the probable future use of adjacent vacant land, as determined by the Zoning Administrator, then the proposed use must provide a buffer as required by the Buffer Yard and Screening Matrix.
 - (2) If the subsequent use of the adjacent vacant land is more intensive than the probable use determined by the Zoning Administrator, and the subsequent use is required to provide a buffer prescribed in the Buffer Yard and Screening Matrix, the buffer yard installed by the first use may be taken into consideration by the Zoning Administrator in considering a reduction of required buffer.
 - (3) If the subsequent use of the adjacent vacant land is less intensive than the probable use determined by the Zoning Administrator, the subsequent use must install the difference between the plant units installed by the pre-existing adjacent use and the number of plant units required by the Buffer Yard and Screening Matrix.

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- (4) If the proposed use is less intensive than the probable future use of the vacant land, as determined by the Zoning Administrator, no buffer yard shall be required of the proposed use.

(D) **Contractual Reduction of Buffer Yard Abutting Vacant Land.** When a land use is proposed adjacent to vacant land, the owners of both parcels may enter into a contractual relationship to provide for a buffer yard equivalent to the buffer yard which shall ultimately be required. Such a contract shall include:

- (1) A statement by the owner of the vacant land of an intent to develop at no greater than a specified land use category consistent with reduced buffer yards.
- (2) An agreement that the owner of the vacant land assumes all responsibility for additional buffer yards required by the development of his parcel with a more intense use than had been agreed upon.
- (3) The contract shall be in the form of a covenant or deed restriction, recorded in the Office of the Clerk of the Circuit Court of Loudoun County, Virginia, which shall run with the land.

(E) **Special Situations.**

- (1) When the adjacent land is used for a wayside stand or other temporary use, the buffer yard type shall be determined as if the adjacent property were vacant as provided in Section 5-1406(C).
- (2) If any property adjoins any existing or planned arterial road, except in the A-3, A-10, AR-1, or AR-2, RR-1, or RR-2 district, the required buffer yard shall be in accordance with Buffer Yard Type 3, however, such buffer yard landscaping shall be supplemented by a landscaped earthen berm at least four (4) feet in height and not to exceed a slope of 2:1. This requirement may be waived modified, and/or reduced, or the location of the required berm may be adjusted by the Zoning Administrator, where necessary to preserve existing mature trees. No buffer yard shall be required for the A-3 and A-10 districts where such property adjoins any existing or planned arterial road.

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- (3) If any adjoining property is located within a zoned municipality, the Zoning Administrator shall investigate the applicable municipal zoning district regulations and shall determine which district established by this Ordinance is most equivalent. Requirements for buffer yards shall then be the same as if the adjoining property were zoned in the equivalent County zoning district.

5-1407

Buffer Yard and Screening Requirements.

- (A) **Location.** Buffer yards shall be located along the perimeter of a lot or parcel. Where a parcel extends into the center line of an existing road, the buffer yard shall begin at and extend inward from the ultimate right-of-way line of said road. Buffer yards shall extend to the lot line, parcel boundary or rights-of-way line, except where easements, covenants or natural features may require the buffer yard to be set back from the property line, in which event the buffer yard shall be in addition to such easements, covenants or natural features. Buffer yards shall be provided within the required minimum yard setback areas. If the minimum buffer width is larger than the yard setback, the minimum buffer width must be provided.

- (1) In the case of driveways, parking areas, and accessory structures permitted within required yard setbacks, at least fifty (50) percent of the area of the required minimum yard setback area shall consist of permeable materials.
- (2) If parking and/or loading is permitted within the required minimum yard setback area, then Section 5-1413 "Parking Lot Landscaping and Screening Requirements" shall prevail.

- (B) **Screening Requirements in Buffer Yards.**

- (1) Buffer yard requirements are stated in Section 5-1414(B).
- (2) Those plant materials identified in Section 5-1414(C) or their equivalents shall satisfy the requirements of this Section.
- (3) Whenever a wall, fence, and/or berm is required within a buffer yard, they shall be provided in addition to the plant units required.

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5-1408

Use of Buffer Yards. A buffer yard may be used for passive recreation and it may contain pedestrian, bicycle or equestrian trails, provided that: a) minimal plant materials are eliminated, b) the total width of the buffer is maintained, and c) all other regulations of this Ordinance are met. Utility easements may be included within buffer yards provided that the utility requirements and buffer yard requirements are compatible and canopy trees are not planted within said easement. Vehicular entrances may cross a buffer yard. Signs, pursuant to Section 5-1200, may be located in the buffer yards.

5-1409

Buffer Yard Waivers and Modifications. Buffer yard requirements may be waived or modified by the Zoning Administrator in any of the following circumstances. The Zoning Administrator may attach conditions to any waiver or modification in order to assure that the results of the waiver or modification will be in accordance with the purpose and intent of this Section.

- (A) Where the strict provisions of this Section would reduce the usable area of a lot configuration or size to a point which would preclude a reasonable use of the lot, buffer yards may be waived, reduced and/or modified by the Zoning Administrator, upon showing that the building and/or the yard has been designed to minimize adverse impact through a combination of architectural, landscape and/or other design techniques.
- (B) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements if in his opinion the topography of the lot providing the buffer yard and the lot being protected is such that the required buffer yard would not be effective.
- (C) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements for single family attached dwelling units where a six (6) foot permanent fence has been provided to enclose a privacy yard (for rear yards and side yards) and such fence is architecturally designed and coordinated with landscape techniques to minimize adverse impact to adjacent properties.
- (D) The Zoning Administrator may waive, reduce or modify buffer yard requirements for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.
- (E) Buffer Yard Exceptions. When a land use is proposed adjacent to a lake, wetland, or other natural area, which is to remain undeveloped, and which is at least three hundred (300) feet in width, the Zoning

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Administrator may waive, reduce, and/or modify the buffer requirements provided the intent of these regulations are preserved.

- (F) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements for side and rear yards where lots zoned MR-HI, GB, PD-IP, PD-GI, MR-HI or CLI abut, upon finding that such waiver, reduction and/or modification is designed to complement proposed development of existing or proposed uses. In any case, a screen wall of a minimum six (6) foot in height or buffer yard shall be constructed where such side or rear yard is visible from the public right-of-way.
- (G) The Zoning Administrator may waive, reduce and/or modify buffer requirements for a telecommunications monopole which is co-located on a facility which is owned or controlled by a public use or fire and/or rescue company, or in areas planned or zoned for employment and industrial uses where such use is permitted by right, provided the site is architecturally designed and coordinated with landscape techniques to minimize adverse impacts to adjacent properties.
- (H) The Zoning Administrator, upon recommendation by the Loudoun County Sheriff's office, may waive, reduce or modify the screening requirements for any school use, upon finding that the screening requirements obstruct visibility and create a security concern.

(I) In the A-3, A-10, AR-1, AR-2, RR-1 and RR-2 zoning districts, the Zoning Administrator may permit the required buffer to circumnavigate the proposed use, rather than to be located on the property line as required by Section 5-1407(A).

5-1410

Maintenance.

- (A) The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all required landscape materials and screening and buffering as may be required by the provisions of this Section.
- (B) All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.
- (C) Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

5-1411

Bond/Cash Deposit Requirements. In lieu of installation of the landscape materials prior to occupancy, the applicant may post a bond acceptable to the County, conditioned upon satisfactory installation of the landscaping proposed in the landscape plan.

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DIVISION E: Performance Standards

Section 5-1500

Performance Standards.

5-1501

Purpose. It is the intent of these regulations to prevent land or buildings, including those permitted by right or by special exception from being used or occupied in any manner so as to create any dangerous, injurious, or noxious activity such as fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare or heat; liquid or solid refuse or waste condition, conducive or elements, (all referenced to herein as "dangerous or objectionable elements") in a manner or amount as to adversely affect the surrounding area. It is also the intent of these regulations to prevent the disturbance of land on steep slopes in a manner that creates erosion, slippage, slope failure, or other conditions that adversely impacts the environment.

5-1502

Zoning Districts Regulated. All permitted and special exception uses, whether such uses are permitted as a principle use or an accessory use, shall operate in conformance with the performance standards set forth in this Division.

5-1503

Applicability.

- (A) **Existing Uses.** All uses shall comply with the performance standards set forth in this Ordinance. However, any use which did not comply with these standards when enacted may be permitted to continue so long as the degree of nonconformity is not increased.

Any use which is a lawful nonconforming use, and which on the effective date of this Ordinance complies with the applicable performance standards of this Division, shall continue to so comply. If, at such time, the operations of such lawful nonconforming use violate the standards specified herein, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

- (B) **Agricultural Uses.** The standards contained in this Division shall not apply to any lawful agricultural operation.

Light And Glare Standards.

- (A) **General Requirements.** All sources of glare (direct or reflected artificial light) from any source (other than in connection with operating motor vehicles and/or street lighting) must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. In addition, in the A-3, A-10, AR-1, AR-2, RR-1, RR-2 and CR districts, lights shall be shielded so that the direct glare of the bulb is not visible beyond the property line of the parcel.
- (B) **Method of Measurement.** Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

Earthborn Vibration Standards.

- (A) **Required Performance Level.** No use, operation or activity shall cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.
- (B) **Method of Measurement.**
- (1) Measurements shall be made at or beyond the adjacent lot line, the nearest residential district boundary line, or the nearest district boundary line as indicated below. Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three (3) mutually perpendicular directions.
 - (2) The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.
 - (2) For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.
- (C) **Light Intensity Land Uses.**
- (1) Light intensity land use standards apply to all residential districts, all industrial districts, excepting the PD-GI and the MR-HI district(s).
 - (2) Uses subject to these standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.
 - (3) Maximum Permitted Steady State Vibration Levels:

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<u>Type of vibration</u>	Area of Measurement	
	<u>At residential district boundaries</u>	<u>At other lot lines within district</u>
Continuous	.003	.015
Impulsive (100 per minute or fewer)	.006	.030
Fewer than 8 pulses per 24 hours	.015	.075

- (4) Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above at residential district boundaries shall be reduced to one-half (+) the indicated values.

(D) Heavy Intensity Land Uses.

- (1) Heavy intensity land use standards apply to the MR-HI and PD-GI district(s).
- (2) Uses subject to these standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described in the table below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings shall be made at points of maximum vibration intensity.
- (3) **Maximum Permitted Steady State Vibration Levels.**

<u>Type of vibration</u>	Area of Measurement	
	<u>At residential district boundaries</u>	<u>At other lot lines within district</u>
Continuous	.003	.030
Impulsive (100 per minute or fewer)	.006	.060
Fewer than 8 pulses per	.015	.150

24 hours

- (4) Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above at residential district boundaries shall be reduced to one-half (+) the indicated values.

5-1506

Stone Quarrying, Extraction and Mining Standards. In addition to the performance standards set forth in this Division, all stone quarrying extraction and mining uses, whether in the Mineral Resource/Heavy Industrial District (MR-HI) or otherwise, shall satisfy the following additional performance standards:

- (A) No permit for an extraction and mining use shall be issued for any tract of land containing less than fifty (50) acres. This requirement, however, shall not preclude the approval of a permit to enlarge or extend an existing extraction and mining use onto contiguous parcels.
- (B) All blasting shall be limited to the hours of 7 a.m. to 6 p.m. or such lesser time as may be established by special exception.
- (C) All vehicles used to transport excavated material shall be required to be loaded in such manner that the material may not unintentionally be discharged from the vehicle. Trucks shall be cleaned of all material not in the load-bed prior to entering the public streets.
- (D) **Landscaping and Screening Requirements.**
 - (1) All areas within 100 feet of an adjacent public road or a zoning district on land bay allowing or planned to allow residential uses shall meet the standards of Section 5-1400, and shall be landscaped, bermed, screened and maintained with natural vegetation to buffer and screen such areas.
 - (2) In addition to Section 5-1400 existing trees and ground cover along all other boundary lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the setback.
 - (3) The type, time of planting, design and spacing of planting screen shall be in accordance with Section 5-1400. Approval of maintenance of landscape areas by the Zoning Administrator shall be required for zoning permit extension and zoning permit renewal.
- (E) Notwithstanding the provisions of Sections 5-1505 and 5-1507 of this Division, all extraction and mining special exception operations shall be

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subject only to the following performance standards as they relate to noise and earthborn vibrations:

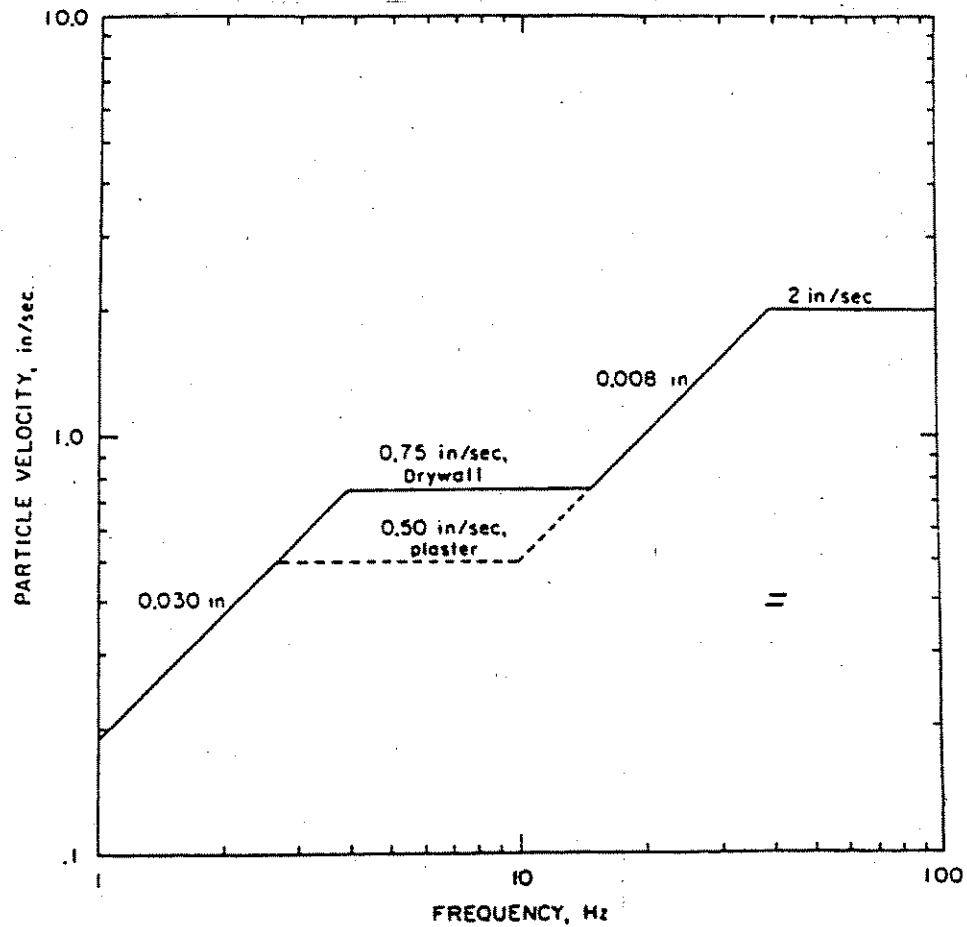
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- (1) Blasting vibration shall be limited to a peak particle velocity* for a corresponding frequency level, as shown in the chart below.



*Peak particle velocities shall be recorded in three mutually perpendicular directions. The maximum peak particle velocity shall be the largest of any of the three measurements.

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- (2) Earth vibration produced from sources other than blasting shall not exceed a maximum resultant peak particle velocity of .03 inches per second.
- (3) The peak over pressure (noise) from any blast shall be limited to 129 dB, as measured at 5 or 6 Hz high pass system.
- (4) Airborne noise produced from extractive operations other than blasting shall not exceed the following limit, as measured at the lot line of the extractive industry: 80dBA maximum, continuous noise.
- (5) For noise and vibrations induced by blasting, measurement shall be taken at the nearest off-site occupied building, measured in a straight line distance from the point of the blast.
- (6) For noise and vibrations induced by sources other than blasting, measurement shall be taken at the property line of the extractive industry.
- (F) In addition, the Board of Supervisors, as a condition of a special exception, may further limit vibration and noise levels where, in the Board's opinion, the existing and proposed surrounding land use or proximity of population in the area warrants additional protection.

5-1507

Noise Standards. It shall be unlawful for any person to operate or permit to be operated any stationary noise source in such a manner as to create a sound level which exceeds the limits set forth in the following tables, except for extraction and mining special exception operations otherwise regulated herein. In addition, before 7 a.m. and after 7 p.m., the permissible sound levels, at residential district boundaries where they adjoin nonresidential districts, shall be reduced by 5 dba in the table for impact noises.

(A) **Methods of Measurement.**

- (1) Noise levels shall be measured with a sound level meter and shall meet or exceed performance standards for a "Type Two" meter, as specified by the American National Standards Institute.
- (2) Noise levels shall be recorded as A-weighted sound pressure level. The level so read shall be postscripted dBA.

- (B) **Maximum Sound Levels (dBA).** Measurements of noise levels shall be taken at the property boundary of the noise source. Where differing zoning districts abut, the more restrictive limit shall apply.

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(1) **Maximum dBA, Continuous Noise.**

Residential	55
Commercial	60
Industrial	70

Continuous noise shall be measured using the slow meter response of the sound level meter.

(2) **Maximum dBA, Impact Noise.**

Residential	60
Commercial	70
Industrial	80

Impact noise shall be measured using the fast meter response of the sound level meter. Impact noises are intermittent sounds of a single pressure peak or a single burst (multiple pressure peaks) for a duration usually less than one second. Examples of impact noise sources are a punch press, drop forge hammer, or explosive blasting.

(C) **Exemptions.**

- (1) The limitations stated above shall not apply within any district nor within any area subject to a Noise Exposure Forecast in excess of the 30 level as indicated on the "Noise Exposure Forecast (NEF) Areas in the Vicinity of Dulles International Airport for 1975 Operations, September 1969" as prepared by FAA. The boundaries of such noise areas within Loudoun County are indicated on the Zoning Map.
- (2) Sound created by the operation of power equipment, such as power lawn mowers, chain saws, and similar equipment, between the hours of 7 a.m. and 9 p.m. shall not be regulated by these noise standards.

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Steep Slope Standards

(A) **Purpose and Intent.** Improper uses and disturbances in steep slope areas cause erosion, result in structural failure of structures and roads, and lead to downstream flooding and other hazards. Development in these areas also requires higher volumes of cut and fill and greater removal of vegetation than on flatter lands. The provisions in this Section 5-1508, including a prohibition of development on very steep slope areas greater than 25% and performance standards for development on moderately steep slope areas from 15% to 25%, are intended to specifically promote the following:

- (1) Undertake development in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards;
- (2) Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;
- (3) Promote a safe means of ingress and egress for vehicular and pedestrian traffic in sloped areas;
- (4) Preserve the visual quality of steep slope areas, which are a valuable natural and economic resource; and
- (5) Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.

(B) **Applicability and Exemptions.**

(1) **Applicability.**

(a) **General Rule.** Except as exempted in (2) below, this section shall apply to all land disturbing activity, including new development and subdivision, proposed on areas of properties containing steep slopes as those terms are defined in Section 5-1508(C)(1) below.

~~(b) **Steep Slopes in the RSCOD—Conflicting Provisions**
This Section 5-1508 shall apply to steep slope areas, as defined in Section 5-1508(C)(1) below, that are located within a Protected River and Stream Corridor subject to Section 4-2000, River and Stream Corridor Overlay District (RSCOD). However, to the extent that the standards in this Section 5-1508 conflict with provisions in the RSCOD (Section 4-2000), the standard that affords the steep slopes the greater level of protection shall apply.~~

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- 1 (c) **Steep Slopes in the MDOD—Conflicting Provisions.**
2 This Section 5-1508 shall apply to steep slope areas, as
3 defined in Section 5-1508(C)(1) below, that are located
4 within the Mountain Development Overlay District and
5 subject to the standards in the MDOD, Section 4-1600.
6 However, to the extent that the standards in this Section
7 5-1508 conflict with provisions in the MDOD (Section
8 4-1600), the standard that affords the steep slopes the
9 greater level of protection shall apply.

10 (2) **Exemptions.**

- 11 (a) **Single Family Dwelling on Existing Legal Lot.** A legal
12 lot of record, intended for single family development,
13 may be developed for a single-family detached dwelling
14 use. Such exemption shall not apply to non-residential
15 uses. Development on such lot shall be subject to all
16 other applicable standards in this Section.
- 17 (b) **Agricultural Operations.** Agricultural operations shall
18 be conducted only in accordance with the Facilities
19 Standards Manual and a Conservation Farm Management
20 Plan approved by the Loudoun County Soil and Water
21 Conservation District or the U.S. Natural Resources and
22 Conservation Service that includes best management
23 practices. Structures associated with agricultural
24 operations are not exempt from these provisions.
- 25 (c) **Timber Harvesting.** Timber harvesting shall be
26 conducted only in conformance with a Forest
27 Management Plan approved by both the Virginia
28 Department of Forestry and the County.

- 29 (3) **Modifications.** Administrative modifications of standards are
30 allowed, in accordance with Section 6-408, "Modifications," of
31 the Zoning Ordinance.

32 (C) **Establishment of Steep Slope Areas.**

- 33 (1) **Identification of Steep Slope Areas.** Steep slope areas are
34 classified into one of the following two categories:

- 35 (a) **Very Steep Slope Areas.** This category of steep slope
36 areas includes land areas with slopes greater than 25%.
37 ~~Very steep slope areas shall be considered primary~~
38 ~~conservation areas for purposes of applying Conservation~~
39 ~~Design pursuant to Section 6-2004.~~
- 40 (b) **Moderately Steep Slope Areas.** This category of steep
41 slope areas includes only land areas with slopes from 15%
42 to 25%. ~~Moderately steep slope areas shall not be~~

1 ~~considered primary conservation areas for purposes of~~
2 ~~applying Conservation Design pursuant to Section 6~~
3 ~~2004.~~

- 4
5 (2) **Minimum Size of Steep Slope Area.** Steep slope standards do
6 not apply to isolated steep slope areas that are less than 5,000
7 square feet in land area. For purposes of this provision, the entire
8 contiguous area of the steep slopes shall be included in the
9 minimum size calculation, regardless of the number of individual
10 lots or different land ownerships involved.

11 **(D) Permitted Uses and Activities.**

12 **(1) Very Steep Slope Areas.**

- 13 (a) **Applicability.** This subsection (D)(1) applies to lands
14 with very steep slope areas, as defined in subsection
15 (C)(1)(a), above.
- 16 (b) **General Prohibition on Land Disturbance.** Land
17 disturbing activities, including but not limited to clearing,
18 excavation, grading, construction, reconstruction, and
19 investigative land disturbing activities such as test wells,
20 are prohibited on any very steep slope area, except as
21 allowed under subsection (c) below.
- 22 (c) **Permitted Uses and Activities.** The following uses are
23 permitted on very steep slope areas, subject to the
24 applicable development standards in Section (E) below:
- 25 (i) Passive recreation uses, including trails for non-
26 motorized use only;
- 27 (ii) Open space, and other conservation uses;
- 28 (iii) Limited land-disturbing activity not to exceed
29 5,000 square feet in the aggregate on any property
30 for the sole purpose of surveying and land
31 investigation. No heavy equipment shall be used
32 to conduct or undertake such limited land-
33 disturbing activity; and
- 34 (iv) Minor utilities, roads and driveways, subject to
35 standards in the Facilities Standards Manual and
36 in subsection (E)(4), below.

37 **(2) Moderately Steep Slope Areas.**

- 38 (a) **Applicability.** This subsection (D)(2) applies to lands
39 with moderately steep slope areas, as defined in
40 subsection (C)(1)(b), above.

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(b) **Permitted Uses and Activities.** All uses and activities allowed by right in the underlying zoning district, subject to the review procedures and standards in this ordinance.

(c) **Special Exception Uses on Moderately Steep Slope Areas.** The County may permit all special exception uses allowed in the underlying zoning district, subject to Section 6-1300, "Special Exceptions."

(E) **Development Standards - Very Steep Slopes.** Development and uses on very steep slope areas shall be planned to minimize disturbance to soil geology, hydrology, and environmental features. At a minimum, development on very steep slope areas shall comply with the guidelines in the Facilities Standards Manual, ~~applicable conservation design standards~~, and the following standards.

(1) **Grading Standards.** The applicant shall preserve natural landforms and minimize grading and other land disturbance.

(a) **Cutting to Create Benches.** Cutting and grading to create benches or pads for additional or larger building sites shall be avoided to the maximum extent feasible.

(b) **Limits on Changing Natural Grade.** The original, natural grade of a lot shall not be raised or lowered more than four (4) feet at any point for the construction of any structure or improvements, except:

(i) The lot's original grade may be raised or lowered a maximum of six (6) feet if retaining walls are used to reduce the steepness of man-made slopes, provided that the retaining walls comply with the requirements set forth in this Section.

(ii) As necessary to construct a driveway from the road to a garage or parking area, grading changes or retaining walls up to six (6) feet may be allowed

(iii) These standards limiting change of natural grade shall not apply to grading required to construct or excavate a foundation or basement.

(iv) The Zoning Administrator may approve modifications to this standard if he/she finds that the application:

Is consistent with the intent of this Section 5-1508; and, results in less total site disturbance than would compliance with the maximum limits on changing natural grade stated in this subsection.

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1 (c) **Grading for Accessory Building Pads Prohibited.**
2 Separate building pads for accessory buildings and
3 structures other than private garages, such as tennis
4 courts, swimming pools, outbuildings, and similar
5 facilities, shall be prohibited on moderately steep slope
6 areas.

7
8 (2) **Excavation.** To the maximum extent feasible, excavation for
9 footings and foundations shall be limited to lessen site
10 disturbance and ensure compatibility with sloped terrain. .

11 (3) **Retaining Walls.** Use of retaining walls is encouraged to reduce
12 the steepness of man-made slopes and to provide planting
13 pockets conducive to vegetation, with adherence to the following
14 standards:

15 (a) Retaining walls shall not exceed four (4) feet in height
16 from the finished grade, except for:

17 (i) A structure's foundation or basement wall (i.e., a
18 retaining wall may be part of a permitted dwelling
19 unit);

20 (ii) As necessary to construct a driveway from the
21 street to a garage or parking area; and

22 (iii) As otherwise expressly allowed by this Section.

23 (b) In no case shall a retaining wall exceed six (6) feet in
24 height.

25 (c) Terracing shall be limited to two tiers, except that the
26 County may approve more than two tiers when a greater
27 number of tiers will result in less land disturbance and
28 less steep man-made slopes.

29 (i) The width of the terrace between any two vertical
30 retaining walls shall be at least five (5) horizontal
31 feet.

32 (ii) Terraces created between retaining walls shall be
33 permanently landscaped or revegetated pursuant to
34 Landscaping Standards in Section 5-1300.

35 (d) Retaining walls shall be faced with stone or earth-colored
36 materials similar to the surrounding natural landscape.

37 (4) **Roads, Driveways, and Minor Utility Standards.**

38 (a) All roads and driveways shall follow natural contour lines
39 to the maximum extent feasible.

- 1 (b) No roads, driveways, and minor utilities shall cross very
2 steep slopes greater than 50%.
- 3 (c) Roads shall not be constructed on very steep slopes
4 greater than 25%, unless no other alternative exists to
5 access a legal lot of record approved prior to the effective
6 date of this Section.
- 7 (d) Driveways and minor utilities shall not be allowed to
8 cross very steep slopes greater than 25%. However, a
9 short run of no more than 100 feet or 10% of the driveway
10 and/or minor utility's entire length, whichever is greater
11 shall be allowed to cross very steep slopes between 25%
12 and 50%, based on a geotechnical study and findings that:
- 13 (i) Such driveway and minor utility will not have
14 significant adverse visual, environmental or safety
15 impacts, or appropriate engineering or other
16 measures will be taken by the developer to
17 substantially mitigate any such adverse impact;
18 and
- 19 (ii) No alternative location for access and minor utility
20 is feasible or available.
- 21 (e) Shared driveways shall be required to the maximum
22 extent feasible where their use will minimize or eliminate
23 land disturbance, provided that shared driveways are
24 subject to a common access easement.
- 25 (f) The centerline grade of private roads and driveways shall
26 comply with applicable standards stated in the Loudoun
27 County Facilities Standards Manual.
- 28 (g) Storm drainage and culvert design shall conform to the
29 requirements of the Loudoun County Facilities Standards
30 Manual.
- 31 (5) **Revegetation Required.** Any slope exposed or created in new
32 development on steep slope areas shall be revegetated or
33 landscaped, except that Section 5-1300 shall not apply to
34 agricultural uses.
- 35 (6) **Stormwater Best Management Practices.** The applicant shall
36 incorporate stormwater management best management practices
37 and erosion and sediment control practices, as required by
38 Chapter 5 of the Facilities Standards Manual and such practices
39 shall be approved by the Department of Building and
40 Development prior to issuance of a zoning permit.
- 41 (F) **Development Standards - Moderately Steep Slopes.** No zoning permit shall
42 be issued for any use, structure or activity on any parcel of land which includes

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1 within its boundaries moderately steep slopes unless and until the following
2 standards have been met:

- 3
4 (1) The applicant shall obtain a locational clearance from the Department of
5 Building and Development. The applicant shall submit a map, plan, or
6 plat showing the location and extent of moderately steep slopes within
7 the area to be disturbed, as well as the location and extent of land
8 disturbing activities and mitigation measures including the proposed
9 building sites, paved areas, drainfields, well locations, and other uses.
- 10
11 (2) The applicant shall obtain a grading permit in accord with the Codified
12 Ordinance for all land disturbing activities on all slopes.
- 13
14 (3) The applicant shall incorporate storm water management Best
15 Management Practices and erosion and sedimentation control practices
16 as defined by the Facilities Standards Manual into the permit application,
17 and such practices shall be approved by the Department of Building and
18 Development.
19

Administration of Performance Standards.

- (A) **Zoning Permit Procedure.** Before the Zoning Administrator issues a zoning permit, the applicant shall furnish sufficient information to enable the Zoning Administrator to ensure that all performance standards and site development standards set forth in this ordinance can and will be complied with. The Zoning Administrator, in order to determine whether or not the applicant will meet such standards, may require the applicant to submit the following information:
- (1) A plot plan signed by the applicant and drawn to scale showing the location of all existing and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, streams, or other significant features on or within two hundred (200) feet of the proposed site, not including public right-of-ways or easements.
 - (2) A description of the activity to be conducted regarding waste products, external effects or other conditions which are regulated herein; provided however, that the applicant shall not be required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.
 - (3) The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.
 - (4) Such other data and certification as may reasonably be required, in addition to the informational requirements of Section 6-1000, by the Zoning Administrator to reach a determination.
- (B) All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

Enforcement of Performance Standards.

- (A) **Intent Concerning Determinations Involved in Administration and Enforcement of Performance Standards.** Determinations necessary for administration and enforcement of performance standards set forth in this article range from those which can be made by a reasonable person using normal senses and no equipment to those requiring great technical

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competence and complex equipment for precise measurement. It is the intent of this ordinance that:

- (1) Where determinations can be made by the Zoning Administrator or other County employee using equipment normally available to the County or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
- (2) Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for protecting individuals from arbitrary and capricious administration and enforcement of performance standard regulations and for protecting the general public from unnecessary costs for administration and enforcement.

(B) **Simple Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5-1510(A)(1) are adequate to demonstrate violations of performance standards in particular cases and if such violations exist, he shall take, or cause to be taken, such lawful action as is appropriate to cause correction of such violations. Failure to obey lawful orders concerning correction of such violations shall be punishable as provided generally for violations herein and in other laws or regulations affecting the case.

(C) **Complex Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5-1510(A)(2) are required to make precise measurements regarding potential violations of performance standards set forth herein and, if in his considered judgment, he believes there is violation of such performance standards, the following procedures shall be followed:

- (1) **Notice and Answer.** The Zoning Administrator shall give notice by registered mail or other means insuring a signed receipt for such notice to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a time limit set by him, but not to exceed 60 days. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes cause for the Zoning Administrator to proceed with enforcement, as provided in Section 6-500. The

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notice shall further state that, upon request of those to whom it is directed, technical determinations, as described in this ordinance, will be made and that if violations, as alleged, are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate. However, if it is determined that no violation exists, the cost of the determination will be paid by the County.

- (2) **Correction of Violation.** If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall note "violation corrected" on his copy of the notice, shall retain it among his official records and shall send a copy to the alleged violator, in addition to taking such other action as may be warranted.
- (3) **Action--Continuation of Violation.** If there is no reply within the time set (thus establishing admission of violation, as provided in Section 5-1510(C)(1)) and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set, he shall proceed to take, or cause to be taken, such action as is warranted by continuation of a violation after notice to cease.
- (4) **Time Extension.** If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Administrator but requesting additional time, the Zoning Administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property. If the extension is not granted, the Zoning Administrator shall proceed to bring legal action, as provided in Section 6-500 of this Ordinance.
- (5) **Costs of Determinations--Responsibility.** If a reply is received within the time limit set requesting technical determination, as provided in this Ordinance, and if the alleged violations continue, the Zoning Administrator may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 6-500. If no violation is found, the costs of the determinations shall be paid by the County without assessment against the properties or persons involved.

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Section 5-1500

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Loudoun County Zoning Ordinance